

INTERIOR, ENVIRONMENT, AND RELATED  
AGENCIES APPROPRIATIONS FOR 2017

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HEARINGS  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTEENTH CONGRESS  
SECOND SESSION

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SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND  
RELATED AGENCIES

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# **DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2017**

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## **TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS**

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THURSDAY, MARCH 17, 2016.

### **PUBLIC WITNESSES—AMERICAN INDIANS/ALASKA NATIVES**

Mr. CALVERT. This meeting will come to order. Welcome to this public witness hearing specifically for American Indian and Alaska Native programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee.

I especially want to welcome the distinguished tribal elders and leaders testifying today and the audience. Most of you have traveled a long way to be here this week. I hope you will seize the opportunity to meet with other Members of Congress outside of this subcommittee, to remind them that honoring the Nation's trust obligations is a responsibility shared by all Members of Congress, regardless of our State or congressional district.

I can assure you that your voices are heard by this subcommittee. For those new to the process, today's hearings are just the start of a dialogue we have come to depend upon to help us make smart choices in the budget and to earn the votes of our colleagues.

American Indian and Alaskan Native programs will continue to be a nonpartisan priority for the subcommittee, just as they have been in recent years under the chairmanships of both Democrats and Republicans alike.

Before we begin, I have housekeeping items to share for all of you. This is important. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. That is to ensure that anything that anyone says here today is not unfairly reproduced or out of context.

The hearing can be viewed in its entirety on the committee's Web site, and an official hearing transcript will be available at GPO.gov.

I will call each panel of witnesses to the table, one panel at a time. Each witness will have 5 minutes to present his or her testimony. Each witness's full testimony will be introduced into the record, so please do not feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes earns you brownie points with both me and Ms. McCollum. [Laughter.]

We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, I will ask the witness to stop.

We will hear from every witness on each panel before members will be provided an opportunity to ask questions. We have a full day ahead, which may be interrupted by votes. I am sorry about that, but that is why they pay us the big bucks. So I request that we try to keep things moving in order to stay on schedule and respect each other's time.

With that, I thank all of you for being here today, and I am happy to yield now to our distinguished ranking member, Betty McCollum, for any remarks that she would like to make.

Ms. MCCOLLUM. Thank you, Mr. Chair. I am going lead by your example. I am just going to thank everybody for coming today. I will be stepping out and leaving things in the capable hands of my colleague, Mr. Kilmer, to attend to a conflict that I have with another meeting for a short while.

And to anyone who I am not here when they give their testimony, I will read it in its entirety.

With that, Mr. Chairman, I want to say thank you and let's get going. This is always good.

Mr. CALVERT. All right. We are going to get going. We have three witnesses with us today.

First is David Bean, a councilman with—the Puyallup Tribe of Washington State; William B. Iyall, chairman of the Cowlitz Indian Tribe; and Frances Charles, chairwoman of the Lower Elwha Klallam Tribe.

And I am going to let you go first, Frances.

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THURSDAY, MARCH 17, 2016.

#### WITNESS

#### **FRANCES CHARLES, CHAIRWOMAN, LOWER ELWHA KLALLAM TRIBE**

Ms. CHARLES. Thank you, Mr. Chairman and members of the subcommittee and Congressman Kilmer.

I am Frances Charles, the tribal chairwoman for the Lower Elwha Klallam Tribe in Port Angeles, Washington. I want to thank you for providing me the opportunity to testify on the Bureau of Indian Affairs and Indian Health Service budgets for fiscal year 2017.

We have many priorities, and I will name a few of them before you today. We are also supporting the regional and national budget requests and the issues.

Before you, we have the concerns of the contract support costs. Presently, we are grateful for the progress to date for paying the past and the present and the future to the tribes, but there is some language that is inserted in the contract at this point in time that we are asking to be removed because of the Self-Determination and Education Assistance Act. They are already being addressed currently under the contract and the compact funding sources of it as well.

Lower Elwha Klallam Tribe is located at the mouth of the Elwha River where it empties into the Strait of Juan de Fuca. We are a

Point No Point Treaty tribe and our reservation that we acquired was a little over 350-some acres. Now we are roughly at 1,000 acres. We have a little over 1,000 memberships that we have enrolled, but we have several enrolled descendants as well as our membership is over 50 percent of those who are under 18.

We are requesting through the Bureau of Indian Affairs for the dam removal project. This has been a long journey for the tribe, as many of you are aware of. But we have some of the 1992 act congressional direction in regards to the Elwha River ecosystem and the fisheries restoration of some of the land basis that we are asking for it to be moved forward for some of the project land as well as some of the shortfalls of the project itself, a \$4.9 million that it be covered.

Some of those, as an example, are the salmon hatchery, for the operation and maintenance costs. Due to the settlement issues that come from behind the dam removal itself, it prolonged some of the factors of our fingerling, so it has been a challenge for us to be able to do what is necessary for the endangered species, as well as controlling the water systems in the river as it stands.

The flood control levy for the operation, maintenance, we are looking at some more funding sources on that one of \$270,000. Due to the post of the Hurricane Karina standards, we have been regulated and obligated for the standards for the levy maintenance. And it is more than what we had anticipated annually through the self-governance, as we received \$10,000 and we are asking for \$270,000.

\$4 million for the land acquisition that is in the 1992 Elwha act in Section 7(b). It was authorized for the appropriation of \$4 million, and we are asking for the Secretary to acquire the trust lands for the tribe into the reservation status in the Clallam County that is identified. We have not received a funding source on that one, and it is something that we are asking for Secretary Sally Jewell to identify in that one.

Tribal court enhancement implementation for the Tribal Law and Order Act of 2010, it is a process that is something that has been long for not only our communities but many of the other communities around us that have been hampered with more cases on the Indian child welfare issues that we are dealing with, but 15 families currently that are impacted through the court systems. And we are requesting for funding sources for tribal personnel, judges, prosecutors, public defenders, develop tribal court bench books, identify funding sources for the pilot court programs, capture the data, cover criminal pretrial matters to the postconviction and issues. Because we are a checkerboard reservation, jurisdictions are always a matter.

Right now, a lot of our tribal court matters related to 100 percent of our cases are in regards to the domestic violence, drug and alcohol issues that are rising, rampant in a lot of the communities with the methadone that has been surfacing and some of the other drugs that are being trafficked into our area.

So these are some of the shortfalls.

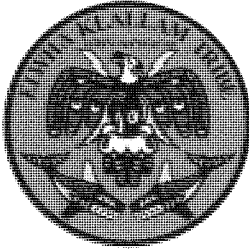
Again, on self-governance, we received \$45,000. Currently, we are asking for an additional funding of \$191,000, to be raised to that.

Indian Health Service specifics on the drug and alcohol, that is related. We are subsidizing some of the resources out of our gaming revenue and third-party revenues through the clinical aspects of it. So currently we have 275 American Indians, as well as Native Americans, that we are utilizing the critical health epidemics that we are dealing with in our community in Clallam County, Jefferson County, as well as we are seeking for some of the dependency treatment programs at a current encounter rate of \$350 with annual increases.

But also we did not outline some of the other priorities, which is our youth, our education, language, culture programs, elder and disability, as well as veterans. So please do not forget about them.

And I thank you.

[The information follows:]



## LOWER ELWHA KLALLAM TRIBE

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**Testimony of**  
**The Honorable Frances G. Charles, Chairwoman, Lower Elwha Klallam Tribe**  
**Before the**  
**House Subcommittee on Interior, Environment, and Related Agencies**  
**Outside Witnesses Hearing on the Bureau of Indian Affairs**  
**and the Indian Health Service Budgets for FY 2017**  
**March 17, 2016**

Chairman Calvert, Members of the Subcommittee and the distinguished Gentleman from Washington State, Congressman Kilmer. I am Frances Charles, Chairwoman of the Lower Elwha Klallam Tribe, an elected position that I have been honored to hold for the past eleven years. Thank you for providing me this opportunity to testify on the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets for FY 2017. My testimony identifies our most urgent Tribal-specific funding needs at the Lower Elwha Klallam Tribe. We are also supporting some Regional and National budget requests which will also benefit the Lower Elwha citizens and community.

### **Tribal-Specific Requests for Lower Elwha Klallam Tribe**

#### **Bureau of Indian Affairs \$5.43 Million**

1. **\$4.972 Million** Dam Removal and Fisheries Restoration – P.L. 102-495, Elwha River Ecosystem and Fisheries Restoration Act
  - a. \$702,000 - Salmon Hatchery O&M
  - b. \$270,000 - Flood Control Levee O&M
  - c. \$4 million - Land Acquisition
2. **\$267,000** – Tribal Court Enhancement and Implementation of TLOA and VAWA.
3. **\$191,000** – Tiwahe Initiative – Tribe seeks to assert jurisdiction in its own court system over all cases arising under the ICWA and to become a licensing agency for foster homes.

#### **Indian Health Service \$500,000** – Mental Health and Chemical Dependency programs

### **FY 2017 Regional Requests**

The Lower Elwha Klallam Tribe supports the FY 2017 Budget Priorities of the Northwest Indian Fisheries Commission, Affiliated Tribes of Northwest Indians and the Northwest Portland Area Indian Health Board.

### **FY 2017 National Requests**

The Lower Elwha Klallam Tribe supports the FY 2017 Budget Priorities of the National Congress of American Indians and National Indian Health Board

### **Contract Support Costs – Past, Present and Future**

As a Self-Governance Tribe, Lower Elwha has been impacted by the Federal government's refusal to pay full contract support costs (CSC) to Tribes for contracted and compacted programs for the past two decades. In 2014 and 2015, the Supreme Court determined that Tribes were entitled to CSC. The IHS and BIA began to settle past claims with Tribes. In addition Congress directed the agencies to find a long-term solution to CSC as well as directed them to pay full CSC for 2014 and 2015. The game-changer going forward was the ground breaking decision by Congress in P.L. 114-113, Consolidated Appropriations Act, 2016 to support the Administration's proposal to create a new account in the appropriations bill specifically for CSC in 2016 and 2017. While we are truly grateful for the progress to date in paying past, present and future CSC to Tribes, there is a proviso in the FY 2017 budget proposal which counters current law. The proviso states that "CSC amounts that are not expended by a Tribe or Tribal organization in the current fiscal year be applied to contract support costs otherwise due in subsequent fiscal years." This language should be removed because the Indian Self-Determination Education and Assistance Act (ISDEAA) already address use and disposition of unexpended contract and compact funds. Therefore, Lower Elwha requests that the Committee deem this provision unnecessary and discontinue it.

We also support the Administration's proposal to fully fund CSC on a mandatory basis in FY 2018-2020, though we would prefer that it begin in FY 2017 and, of course, that it be a permanent, indefinite appropriation.

### **The Lower Elwha Klallam Tribe**

The Lower Elwha Indian Reservation is located at the mouth of the Elwha River where it empties into the Strait of Juan de Fuca on the North Coast of the Olympic Peninsula, about 8 miles west of the City of Port Angeles, Washington. We are a small Tribe, with roughly 1,000 members, and a total land base—Reservation and adjacent trust lands—of about 1,000 acres. To date, our economic development opportunities have been limited and we believe our long-term prospects are tied to natural resources restoration and preservation in an ecologically rich region where an extraction-based economy is well past its prime.

### **\$5.43 Million - Bureau of Indian Affairs Elwha**

1. **\$4.972 Million - Dam Removal and Fisheries Restoration** - Lower Elwha is a salmon people with fishing rights reserved in the 1855 Treaty of Point No Point. We fish in marine waters and in the rivers and streams throughout our usual and accustomed treaty fishing area, including the Elwha River. We are strongly committed to the restoration of fisheries, fish habitat, streams and rivers, and the Port Angeles Harbor. We are the leading advocate for the removal of the two hydro-electric dams on the Elwha River—which is now nearly complete—and in accordance with Congress's direction in the Elwha River Ecosystem and Fisheries Restoration Act of 1992 (Elwha Act), P.L. 102-495, we are working closely with the National Park Service and other agencies to remove the dams, and restore the once famously abundant Elwha River runs of salmon and steelhead. Unfortunately, removal of the dams caused a short term threat to the salmon runs (due to sediment released from behind the former dam sites) and has adversely impacted our small Tribal land base and our Tribal budgets. We urgently need increased Self-Governance funds to support the operation of dam removal mitigation and restoration features and to revive our other Self-Governance activities from which we have been forced to transfer funds to support dam removal mitigation.

a. \$702,000 - Salmon Hatchery O&M Costs - Fish Hatchery Operations Budget for the ongoing operation and maintenance (O&M) of our state-of-the-art hatchery, which went online in 2011. This is a significant increase of \$601,929 annually, but one that is amply justified by the crucial role that our hatchery serves in dam removal and fishery restoration. Our hatchery is a genetic preserve for native Elwha salmonids, which have been on the verge of extirpation from the impacts of the dams and which have been further threatened by the enormous sediment load unleashed by the removal of the dams. The National Marine Fisheries Service (NMFS) would not have approved dam removal under the Endangered Species Act without the hatchery's native salmonid programs. The Tribe should not have to bear the O&M cost of this important restoration facility that in fact benefits the entire region.

b. \$270,000 - Flood Control Levee O&M Costs - The levee on our lands had to be expanded prior to dam removal in order to protect Tribal lands from the newly unleashed Elwha River and to conform to post-Hurricane Katrina standards—clearly it is a mitigation feature of the dam removal project. In passing the Elwha Act in 1992, Congress intended that courts should not be asked to address problems where legislative solutions would be far superior in covering all the bases. Factoring in the inflation rate since 1992 compared to 2016, it is not fathomable that we currently receive only \$10,400 annually to operate this levee.

c. \$4 million for Land Acquisition - The Elwha people have struggled for a century from the harm to their culture and economies caused by the Elwha River dams. We had to endure the delays in starting the dam removal process, we watched the destruction of not only the fisheries but the treaty fishers themselves with the loss of our traditional and cultural livelihood, and we have lost an opportunity—which will only return after another generation—to teach our children the ways of their ancestors and the Elwha life as designed by the Creator. We struggle every day to maintain a lifestyle that has been altered forever because of the impact this has had on our community. Section 7(b) of the Elwha Act authorized the appropriation of \$4 million so that the Secretary could acquire trust lands for the Tribe in Reservation status in Clallam County, Washington, for economic development and housing. These funds have not yet been appropriated and the lands they could provide are desperately needed to revive the lives of the Elwha people.

In 1934, an Interior Department report concluded that the Reservation should be 4,000 acres (for far fewer tribal members than we have today), but currently we have only 1,000 acres, several hundred of which (on the river's side of the levee) have to be maintained in undeveloped state as floodplain habitat. In addition, we need legislative direction to ensure that former hydro-project lands are transferred to the Tribe as contemplated in Section 3(c)(3) of the Elwha Act.

2. \$267,000 – Funding for Tribal Court Enhancement and to implement TLOA and VAWA. Although the Interior Department and the Tribe have identified Tribal Court enhancement as a high priority, Lower Elwha has been unable to adopt the enhanced sentencing provisions authorized by the 2010 Tribal Law and Order Act of 2010 or to exercise expanded Domestic Violence Criminal Jurisdiction under the 2013 Violence Against Women Act because of the lack of adequate base funding for its Tribal Court development. Requested funding will enable our Tribe to do so by providing for: (a) mandatory criminal defense representation (including basic legal assistance for domestic violence victims and representation for parents); (b) detention services; (c) probation services that focus on solutions and restorative justice by sharing coordinated case management and re-entry referrals; and (d) basic court security. Fully funding of TLOA mandated provisions and increased base funding for our Tribal Court will enable

Elwha to benefit from: BIA regional assessments using the Trial Court Program Standards; specific technical assistance and training identified through assessments; targeted training initiatives for specific tribal court personnel (judges; prosecutors; public defenders); development of Tribal Court bench books; identification of funding sources for pilot court programs; captured data covering criminal pre-trial matters to post-conviction issues, and including, any collateral civil legal issues.

**3. \$191,000 - Funding for ICW-related services from BIA's Tiwahe (Family) Initiative.**  
Lower Elwha is facing a community crisis with the increasing number of child abuse/neglect cases, which stem from inordinately high rates of drug/substance abuse by parents or caregivers. Services in all facets of Tribal government are severely impacted by this reality. A coordinated community response must be based on multi-disciplinary, culturally informed case planning and service delivery, coupled with a strong commitment to restorative justice ideals and solutions-based sentencing (in criminal cases). A major obstacle to implementing this approach is our lack of infrastructure to assume jurisdiction over all local cases clearly arising under the Indian Child Welfare Act; in addition, because we are dependent on an inadequate State system for licensing foster care providers, we are often unable to make proper placements to assist our families. The Tribe currently receives only \$45,000 in Self-Governance for Indian Child Welfare matters. We seek \$191,000 additional annual funding from the BIA's Tiwahe (Family) Initiative, which would enable the Tribe to assert jurisdiction in its own court system over all cases arising under the ICWA and to become a licensing agency for foster homes.

**Indian Health Service Elwha Tribal-Specific Funding Requests – \$500,000 for Elwha Health Department Programs.**

Lower Elwha faces a drug abuse and mental health crisis of epidemic proportions that threatens to destroy the potential and the cultural connections of many tribal members. In FY 2015, the Tribe's Mental Health and Chemical Dependency programs served 272 American Indian or Alaskan Native patients and have the potential to reach approximately 1,500 AI/AN beneficiaries within Clallam and Jefferson County. The Tribe currently subsidizes its chemical dependency program with third-party revenue and gaming revenue to fund prevention health initiatives and chemical dependency programs, leaving these critical health epidemics severely underfunded. To remedy this, the Center for Medicare and Medicaid Services formula must be expanded to inpatient chemical dependency treatment programs at the current encounter rate of \$350 per day, with annual increases.

**Conclusion**

The Lower Elwha Tribe has unique needs arising from our leading role in fisheries restoration, which will provide long-term economic benefit to the entire North Olympic Coast region. We have been a strong partner with numerous Federal agencies but the agencies have not fully addressed the unique impacts on our Tribe of the dams and their removal.

Thank you for your consideration.

Mr. CALVERT. Thank you, Frances, for your testimony.  
Next, William, you are recognized for 5 minutes.

THURSDAY, MARCH 17, 2016.

## **COWLITZ INDIAN TRIBE**

### **WITNESS**

#### **WILLIAM B. IYALL, CHAIRMAN, COWLITZ INDIAN TRIBE**

Mr. IYALL. Good morning, Chairman Calvert, Ranking Member McCollum, and distinguished Congressman Kilmer and Congressman Cole.

My name is William Iyall. I am elected chairman of the Cowlitz Indian Tribe. On behalf of the nearly 4,000 members, thank you for this opportunity to testify in support of funding for Federal programs of particular importance to our tribe.

Today, I would like to provide the subcommittee with a brief background on the Cowlitz Tribe, and then highlight two crucial programs, the Bureau of Indian Affairs Aid to Tribal Government program and the Tribal Wildlife Grants program.

We ask this subcommittee to advocate for full or increased funding for each of these programs.

The Cowlitz Tribe became landless in 1863, when, pursuant to executive order, the Federal Government took all of our aboriginal lands in southwest Washington. It is with great pride that I am able to report to you that, last year, the Secretary of Interior finally acquired land into trust for the Cowlitz Tribe and proclaimed it our reservation.

For the first time in more than 150 years, the Cowlitz people have now a reservation that we can exercise our right of self-government and self-determination. We can now build the infrastructure for governance, government offices, cultural preservation facilities, elder housing, and economic development projects. And because we have a reservation, we are now eligible for Federal programs allocated for reservation lands, which were entirely unavailable to us last year.

Although there are numerous programs that we depend on to bring much-needed services to our members, for today's purposes, I am going to speak of two.

First, we would respectfully request the subcommittee adequately fund the Bureau of Indian Affairs Aid to Tribal Governments program. This program is an essential source of funds that supports our general operations for administration, our natural and cultural resource department. And in addition, it helps fund many other services crucial to our membership and to our governance.

This is our core funding. We will be able to provide government services, employment opportunities, partnerships, grant programs, increased security for our membership and our employees. And some funding for tribal administration programs is key to our ability to support self-governance.

We are grateful that the administration has proposed a slight increase in funding in fiscal year 2017. We would strongly urge the subcommittee to allocate additional funding, so that economically

disadvantaged tribes like ours will continue to be able to support these critical services and programs for our members.

The second one is the Cowlitz Tribe would like to ask the subcommittee to increase funding for Tribal Wildlife Grants. The Cowlitz Tribe has been fortunate to receive two of these grants, which are administered by the U.S. Fish and Wildlife Service.

These allow us to engage in positive partnerships with State and Federal wildlife managers in a joint effort to recover the Columbian white-tailed deer of the Lower Columbia River region.

Since we received our grant, our involvement has raised awareness to this longstanding issue of species recovery.

Recently, the U.S. Fish and Wildlife released an announcement to actually downlist the Columbian white-tailed deer to threatened status. That is a major achievement. Downlisting the species will provide opportunities for more work to be done in connection with habitat improvement for salmon and steelhead, another very critical part of the program.

We believe these collaborative partnerships with tribal, Federal, and State resource managers are the key to achieve success toward species recovery efforts. We respectfully request the subcommittee provide additional funding to this tribal wildlife program from \$6 million up to \$10 million.

With that, again, I would like to thank you for this opportunity and would be happy to answer any questions you have.

[The information follows:]



# Cowlitz Indian Tribe

Testimony Presented to

THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
HEARING ON FUNDING FOR AMERICAN INDIAN AND ALASKA NATIVE PROGRAMS

The Hon. William Iyall, Chairman

March 17, 2016

## SUMMARY OF COWLITZ FUNDING PRIORITIES

1. **Bureau of Indian Affairs (BIA) "Aid to Tribal Government" Program:** Increase program funding from the \$27.118 million proposed in the President's FY17 budget to \$35 million.
2. **U.S. Fish and Wildlife Agency's (USFWS) "Tribal Wildlife Grant Program":** Increase of the proposed FY17 budget from \$6 million to \$10 million.

Chairman Calvert, Ranking Member McCollum, and distinguished Members of the Subcommittee, my name is William Iyall, and I am the elected Chairman of the Cowlitz Indian Tribe. On behalf our nearly 4,000 tribal members, thank you for the opportunity to testify in support of funding for federal programs of particular importance to our Tribe. The work of this Subcommittee is critical to our ability to continue to address the needs of our membership. Also, I respectfully acknowledge today Committee Member Rep. Herrera-Beutler, who represents the congressional district in which our Cowlitz Reservation is located.

Today I would like to highlight two federal programs of crucial importance to our Tribe, and we ask that this Committee advocate for full or increased funding for each of these programs.

## BACKGROUND

As you may remember from testimony we provided in previous years, the Cowlitz Indian Tribe became landless in 1863 when, pursuant to an Executive Order, the federal government took all of our aboriginal lands at the time with no compensation. Although we were for so long landless, we have always maintained our tribal identity and our center of gravity has always been

anchored by our ties the land. It is with great pride that I am able to report to you that last year the Secretary of the Interior finally acquired land in trust for the Cowlitz Indian Tribe and proclaimed it to be our reservation. We are landless no more.

I want to beg your indulgence for a minute to underscore what this has meant to us.

For the first time in more than 150 years, the Cowlitz people finally have a reservation over which we can exercise our right to self-government and self-determination. Only now do we have a reservation on which we can build government offices, cultural preservation facilities, elder housing and economic development projects. And because we have a reservation, we are now eligible to participate in federal programs that are tied to reservation lands, which until last year were entirely unavailable to us. Finally, we now have access to tribal court development grants, emergency management grants for police and fire protection, educational grants such as Johnson O'Malley funding, employment assistance funding support, and the USDA Food Distribution Program on Indian Reservations.

On behalf of every member of the Cowlitz Indian Tribe, I want to thank the United States for having righted a grievous historical wrong. And I want to thank the Committee for holding these hearings to allow tribes to participate in the federal appropriations process.

Finally, I want to thank the City of La Center, our neighbors, and the Mohegan Tribe of Connecticut, both of which are our partners in creating new development opportunities that will benefit our communities for generations to come. The Cowlitz Tribe currently is engaged in an economic development project that will make it one of the largest employers in southwestern Washington State, and that economic development project will allow us to diversify in many sectors with numerous employment opportunities. We believe each direct permanent job we plan to create will likely provide two indirect jobs, which creates a positive impact well beyond the footprint of our Tribe. We are creating these jobs in a county that routinely suffers from unemployment rates higher than in the rest of Washington State and higher still than the National average.

The Cowlitz Tribe's ancestors were the original stewards of the broad area of lands that lie within southwestern Washington and northwestern Oregon, and no one is more committed or better equipped to ensure the protection of the land and natural resources for future generations. The Tribe is working closely with the Environmental Protection Agency, the Federal Highway Administration, the Washington Department of Transportation, the Bureau of Indian Affairs, the Army Corps of Engineers, and other federal, state and local agencies to ensure that the Tribe's economic development projects and related infrastructure improvements meet or exceed all applicable environmental requirements. We are committed to protecting our groundwater and surface water, our wetlands, our air, and our wildlife habitat. These natural resources are part of our culture.

Although there are numerous federal programs that we depend upon to bring much needed services to our members, we have narrowed our focus to two programs. It is our hope that Congress and the Administration will uphold their positive working relationships with us in order to continue the much needed support that our people so deserve.

## EXPLANATION OF FEDERAL FUNDING PRIORITIES FOR FY 2017

### 1. Bureau of Indian Affairs “Aid to Tribal Government” Funding Increase.

The primary backbone of support for our Tribe’s general operations is funded through BIA’s “Aid to Tribal Government” program. It is an essential source of funds that supports the general operations of our Administration, Natural & Cultural Resources Department, and its funding helps us provide many other services critical to our membership and governance. With this core funding, we have been able to provide essential government services, employment opportunities, regional partnerships, grant programs, and increased security for our membership and employees. As a Tribe that continues to struggle to develop our own economic base, this funding source remains critical to our governmental operations and our ability to provide basic governmental functions. In sum, funding for tribal administration of programs is a key element towards our ability to support tribal self-governance.

We are grateful that the Administration has proposed a slight increase in this funding for FY 2017. We strongly urge the Appropriations Committee to allocate additional funds to the Aid to Tribal Government program so that economically disadvantaged tribes like ours will continue to be able to support critical services and programs for our members.

### 2. US Fish and Wildlife Service “Tribal Wildlife Grant Program” Funding Increase.

Our Tribe has been fortunate to receive two Tribal Wildlife Grants (TWG) administered by USFWS. These grants allow us to engage in positive partnerships with State and Federal wildlife managers in a joint effort to recover the endangered Columbian White-tailed Deer of the Lower Columbia River region. (This species was one of the first to be listed under the Endangered Species Act (ESA) in the 1970s.) Since we received our TWG, our involvement has heightened awareness of the issue of recovery of this long-standing concern. We brought fresh new skills and thoughtfulness as to what was needed to create a path to recovery and eventual de-listing under ESA. We are proud to be one of the primary participants leading these deer towards recovery.

Recently, USFWS has released an announcement proposing to down-list the endangered Columbian White-tailed deer to threatened status. This species is in close proximity to ESA listed salmon and steelhead of the Columbia River. Down-listing this species will provide opportunities for more work to be done in connection to habitat improvements for salmon and steelhead. We believe that collaborative partnerships with Tribal, Federal, and State resource managers are the key to achieve success towards species recovery efforts.

We are pleased that the Administration has finally recognized the importance of partnerships that this program provides. While there has not been any increase to this grant fund for several years, we are pleased that the President's FY 2017 Budget Request calls for nearly \$2 million in additional funding for Tribal Wildlife Grants. However, the requests for funding under this program far outweigh the amount of funds provided. The TWG program provides tribes capacity and opportunity to contribute to efforts that are deeply tied to traditional and cultural life-ways.

We respectfully urge Congress to provide additional funds to this program from the proposed \$6 million to \$10 million.

**CONCLUSION**

The Cowlitz Tribe would like to re-iterate our thanks and appreciation for the opportunity to testify on the development of appropriations under this Subcommittee's jurisdiction. We look forward to working with members of Congress to continue to build upon our successes and address future needs. We urge Congress to uphold its solemn promises to tribes, even as policymakers seek to reduce the deficit through spending reductions and revenue generation. The federal government's obligations to Indian tribes are based on numerous long-standing agreements made between tribes and the United States.

The Cowlitz Indian Tribe is happy to answer any questions that the Committee may have about the testimony we have provided here or about the programs we implement. Thank you again for your time today.

Mr. CALVERT. Thank you. I appreciate your testimony.  
Mr. Bean.

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THURSDAY, MARCH 17, 2016.

**PUYALLUP TRIBE OF WASHINGTON STATE**

**WITNESS**

**DAVID BEAN, COUNCILMAN, PUYALLUP TRIBE OF WASHINGTON STATE**

Mr. BEAN [Speaking native language]. Good day, Mr. Chairman and members of the subcommittee. [Speaking native language.] We say thank you for this opportunity to provide testimony on the fiscal year 2017 appropriations for American Indian and Alaska Native programs.

My name is David Bean, Puyallup Tribal councilmember for the Puyallup Tribe of Indians.

The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations, including the United States in the Medicine Creek Treaty of 1854. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council, which serves its 5,000 Puyallup tribal members and the 25,000-plus members from approximately 355 recognized tribes who utilize our services.

The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. Our 18,000-acre reservation is a checkerboard of tribal lands, Indian-owned fee land, and non-Indian-owned fee land. Our reservation land includes parts of six different municipalities.

First and foremost, I must thank the committee for its continued efforts to fully fund contract support costs, \$278 million for BIA contract support costs, and \$800 million for IHS contract support costs.

In fiscal year 2009, the Puyallup Tribe received a Department of Justice grant in the amount of \$7.9 million to construct a 28-bed adult corrections facility. Construction of the facility was complete in February 2014 and came online in May 2014. Over the past years, the Puyallup Tribe has worked closely with the BIA Office of Justice Services to identify the operating and staffing costs associated with this facility.

The agreed-upon estimated cost was set at \$2.6 million annually. The BIA base funding offered the tribe in fiscal year 2015 was \$704,000, which represents 27 percent of the actual need, with no increase to base funding in the fiscal year 2016 or 2017.

We request support from the committee to include committee report language that would direct Office of Justice Services to submit a plan for fully funding and staffing and operation of the detention facilities now operating in Indian country.

The Puyallup Tribe supports efforts of the National Congress of American Indians to increase funding, to increase base funding to tribal courts. This increase would assist the implementation of the Tribal Law and Order Act and the Violence Against Women Act.

Further, we are strongly opposed to the \$8.2 million decrease proposed for the tribal courts initiative to better support tribal courts in Public Law 280 States.

Addressing our public safety needs in our community means nothing if our natural environment is not protected. The tribe has treaty responsibilities to manage its natural resources for uses beneficial to the tribal membership and the regional communities.

Despite our diligent program efforts, the fisheries resource is degrading, and economic losses are incurred by native and nonnative fishermen in surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region in the State of Washington.

Again, we support the Northwest Indian Fisheries Commission's and the National Congress of American Indians' call for increased funding for rights protection and implementation funding to ensure compliance with Federal court orders through effective tribal self-regulatory and co-management systems. This increase in funding would provide new monies for harvest management, habitat protection, stock enhancement, shellfish, enforcement, wildlife, and other natural resource management needs.

As the aboriginal owners and guardians of our lands and waters, it is essential that adequate funding is provided to allow tribes to carry out our inherent stewardship of these resources.

Related to this, the Puyallup Tribe continues to operate a number of salmon hatcheries that benefit the fisheries of the Pacific Northwest and Puget Sound. We work cooperatively with the Northwest Indian Fisheries Commission, neighboring tribes, Federal agencies, and State fishery managers to ensure success and sustainability of our hatchery programs.

The tribe supports the President's fiscal year 2017 budget request of \$10.3 million for fisheries hatchery operation and fish hatchery maintenance.

Finally, the Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. We request the committee's support to provide base funding to the tribe's Wildlife Management program in the amount of \$150,000 through the BIA Unresolved Hunting and Fishing Rights programs in the fiscal year 2017 appropriation.

The tribe has been a leader in education for many years. Today, the tribe operates a pre-K-12 Chief Leschi School with student enrollment of over 900 students. With an increased number of pre-kindergarten enrollment, Chief Leschi School will exceed designed capacity in the near future. Additional educational facility space will be necessary to provide quality education services to the students and tribal community. Thus, funding to address BIE facility maintenance needs and upgrades is vital.

Finally, as with education, the tribe has been a leader in health care. We had the first 638 contract for an IHS clinic in the Nation in 1976, and we know all too well that inadequate funding of Indian Health Service is the most substantial impediment to the current Indian health system.

The Puyallup Tribe Health Authority operates a comprehensive ambulatory care program to the Native American population in

Pierce County. The current patient load exceeds 9,000, of which approximately 1,700 are Puyallup tribal members.

There are no Indian Health Service hospitals in the Portland area, so all specialties and hospital care are paid for out of the PRC allocation. The purchased and referred care allocation to PTH remains inadequate to meet the actual need.

In fiscal year 2004, the Puyallup Tribe subsidized the PRC with a \$2.8 million contribution. In fiscal year 2016, the PRC subsidy has grown to \$6.2 million. Given that the PTH service population is comprised of only 17 percent Puyallup Tribe members, it is clear that the tribe is shouldering responsibility that lies with the Federal Government. We urge the committee to support the \$962 million requested for purchased and referred care.

With that, I want to thank you for this time on the floor. As we have always said in recent years, we always support the historical testimony of the late Billy Frank, Jr. and the current testimony of the Northwest Indian Fisheries Commission.

With that, I say [Speaking native language.] I love each and every one of you.

[The information follows:]

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS  
COUNCILMAN DAVID Z. BEAN  
BEFORE THE U.S. HOUSE  
APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
BIA AND IHS  
FISCAL YEAR 2017  
March 17, 2016

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2017 appropriations for American Indian and Alaskan Native programs within the BIA and IHS. My name is David Z. Bean, Tribal Council Member for the Puyallup Tribe of Indians.

The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 5,006 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony being submitted to the U.S. House Appropriations Subcommittee documents the Puyallup Tribe's views on the President's FY 2017 Federal Budget. The focus of the written testimony will be on the President's proposed budget for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). Within the BIA budget, *\$2.9 billion is proposed for FY 2017, an increase of \$138 million above the FY 2016 levels.* For the IHS, *\$5.2 billion is proposed, an increase of \$378 million over the FY 2016 enacted level.* Included in both budgets the President proposes to fully fund Contract Support Costs (CSC) in FY 2017. The budget provides \$278 million for BIA CSC and \$800 million for IHS CSCs. We appreciate the increased funding being proposed for the BIA and IHS and funding CSCs at 100%. However, the years of inadequate funding and the effects of inflation have impacted the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2017 budget and future appropriations, efforts to insure adequate funding is provided for Indian programs will be paramount.

**Department of Interior – Bureau of Indian Affairs**

**Public Safety & Justice:** *The FY 2017 Budget request includes \$373.5 million for BIA Public Safety & Justice. This represents a \$4 million decrease over the FY 2016 enacted level. Funding for detention facilities is of great importance to the Puyallup Tribe. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of \$7.9 million to construct a*

28 bed adult corrections facility. Construction on the facility was completed in February 2014 and came online in May 2014. Over the past years the Puyallup Tribe has worked closely with the BIA-Office of Justice Services to identify the operating and staffing costs associated with this facility. The agreed upon estimated cost of operating the facility was set at \$2.6 million annually. The BIA base funding offered to the Tribe in FY 2015 was \$704,198 or 27% of actual need, with no increases to base funding in FY 2016 or 2017. *Thus, while we support the \$1.0 million increase in the President's proposed FY 2017 funding for Detention & Corrections, this increase is not sufficient to fund the staffing and operate detention facilities in Indian country, some of which lie vacant due to lack of funding. We are requesting support from the Subcommittee to include committee report language that would direct Office of Justice Services to submit a plan for funding the staffing and operations of the detention facilities in Indian country.*

In addition, we operate a Tribal Court program through a P.L. 93-638 contract with the B.I.A. In FY 2015, our base funding was increased from \$45,000 to \$194,996 and remains this amount for FY 2017. While this increase to our Tribal Court Base funding is appreciated, it does not equal the amount of tribal funds necessary to fully operate the Tribal Court program. In FY 2016, the Tribe has allocated \$1.172 million of tribal funds for the Tribal Court budget. *Again, while the Puyallup Tribe supports the \$2.5 million increase for Tribal Court funding for FY 2017, we agree with the National Congress of American Indian's request that an additional \$82.0 million be allocated to BIA to increase base funding for tribal courts. This increase would assist with the implementation of the Tribal Law and Order Act and the Violence Against Women Act. Further, we are strongly opposed to the \$8.2 million decrease proposed for the Tribal Courts initiative to better support tribal courts in P.L. 280 states.*

**Natural Resources Management:** The Puyallup Tribe has treaty and governmental obligations and responsibilities to manage its natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and Non-native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington.

*For FY 2017, a minimum funding level of \$8.5 million is necessary for the Rights Protection Implementation - BIA Western Washington (Bolts) Fisheries Management program. However, we agree with the Northwest Indian Fisheries Commission and the National Congress of American Indians that an overall \$52 million increase for the Rights Protection Implementation funding is necessary to ensure compliance with federal court orders through effective tribal self-regulatory and co-management systems. This increase in funding would provide new monies for harvest management, habitat protection, stock enhancement, shellfish, enforcement, wildlife and other natural resource management needs. As the aboriginal owners and guardians of our lands and waters it is essential that adequate funding is provided to allow Tribes to carry-out our inherent stewardship of these resources.*

The Puyallup Tribe continues to operate a number of salmon hatcheries that benefit Indian and non-Indian commercial and sport fisheries in the Pacific Northwest/Puget Sound. We work cooperatively with the Northwest Indian Fisheries Commission, neighboring tribes, Federal agencies and state fishery managers to insure the success and sustainability of our hatchery

programs. The Tribe supports the President's FY 2017 budget request of \$10.38 million for Fish Hatcheries Operations and Fish Hatchery Maintenance.

The Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs has allowed for the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases which relate to multi-national fishing rights, harvest allocations and resource management practices. *We request Subcommittee support the funding recommendations of the NWIFC for the FY 2017 TFW Supplemental program and the U.S./Canada Pacific Salmon Treaty program.*

The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the B.I.A. Unresolved Hunting and Fishing Rights grant program. *We request Subcommittee support to provide base funding to the Tribes' Wildlife Management Program in the amount of \$150,000 through the B.I.A. Unresolved Hunting and Fishing Rights program in FY 2017 Appropriations.*

**Education:** The Puyallup Tribe operates the pre-K to 12 Chief Leschi Schools which included a verified 2014-2015 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will exceed design capacity in the near future. Additional education facility space will be necessary to provide quality educational services to the students and tribal community. Additionally, the cost of operation and maintenance of the Chief Leschi School facilities continues to increase in the areas of supplies, energy and student transportation costs. The FY 2017 Budget request for the Bureau of Indian Education (BIE) is \$912 million, an increase of \$60 million over the FY 2016 enacted level. While this increase is appreciated, once again the funding level does not meet the actual operational needs of tribal education programs. The Tribe will continue to work with Congress, BIE and the National Congress of American Indians to increase funding in FY 2017, including; *Tribal Grant Support Cost for Tribally Operated Schools - \$78 million; Student Transportation - \$73 million; School Facilities Accounts - \$109 million in facilities operations and \$109 million in facilities maintenance, Indian School Equalization Program (ISEP) - \$431 million and Construction/Repair of BIE Schools- \$263.4 million.*

**Operations of Indian Programs & Tribal Priority Allocations:** The President's F.Y. 2017 budget is in drastic need for increased funding for the B.I.A. Operations of Indian Programs. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; natural resources management, child welfare, other education, housing and other tribal government services. These functions have not received adequate and consistent funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years has not been adequate to keep pace with inflation. *Specifically we support the \$3.4 million requested increase for Indian*

*Child Welfare funding; the \$12.3 million requested increase for social services; and finally we support the \$3 million requested increase for natural resource programs within TPA.*

**Department of Health and Human Services – Indian Health Service**

The Inadequate funding of the Indian Health Service is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no Indian Health Service hospitals in the Portland Area so all specialties and hospital care have been paid for out of our contract care allocation. The Purchased/Referred Care (PRC) allocation to PTHA remains inadequate to meet the actual need. In FY 2004, the Puyallup Tribe subsidized PRC with a \$2.8 million dollar contribution. In FY 2016, the tribal PRC subsidy has grown to \$6.2 million. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in F.Y. 2011 thru 2016 has made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. *The FY 2017 Budget requests \$5.2 billion in discretionary budget authority for the Indian Health Service. This represents a \$378 million increase over the FY 2016 enacted level. For Health Services programs the FY 2017 budget requests funding for Clinical Services (\$3.47 billion), Purchased/Referred Care (\$962 million), Facilities Maintenance & Improvement (\$77 million) and Contract Support (\$800 million).* The Puyallup Tribe fully supports funding increases for existing I.H.S. programs and will work Congress to continue efforts to increase funding for I.H.S. and the critical programs administered by this Agency.

Mr. CALVERT. Thank you very much for your testimony.

I just want to ensure everybody on the panel, one of our first priorities is to make sure that we fully fund the health care contract services. I know that is probably at the top of your list, amongst other things.

And I know that we are probably going to hear a lot of testimony today about tribal courts and detention centers and so forth.

I am just curious, have you seen any changes, since you are all next-door to each other, as far as what type of drug activity now. Is it changing? Do see growth of opiates in your area like we see in the rest of the country? Is it still methamphetamine that is the problem?

Ms. CHARLES. Yes. That is the good thing about it, because we do all talk with one another in regards to what is going on and to their territories just as much.

But also living across from the Canadian border years ago, our enforcement had confiscated thousands and thousands of pills that had come across the border into trust land, the issues that we are dealing with.

So it is a big demand that we are seeing with our families. We have more of our cases and our children that are Indian Child Welfare and ongoing CPS cases daily that are being investigated because of the drug and alcohol rise in our communities.

A lot of intermixing with other nations, relationships, as well as nonnatives, and it seems to be those outsiders think that being on the reservation, that there are no consequences, and this is the rise that we see in our court systems because of the jurisdictional issues and working with the local law enforcement officers just as much.

Mr. IYALL. The Cowlitz Tribe has service areas that extend from Puget Sound all the way down to the Portland area and the Columbia River.

We have some very targeted programs. We are working with school districts for our youth. We have a good focus for youth.

And in Cowlitz County, we have the only youth substance abuse program for any youth. So we are really focusing on that area now. And we are cooperating with the University of Washington on studies on the cultural impacts to our native youth. In particular, we, like the Puyallup Tribe, we serve a lot of non-Cowlitz, and some of our clinics are 90 percent or more non-Cowlitz. But we are serving underserved areas, greatly underserved areas. The southwest Washington area all the way to Portland is very underserved.

But we have a major clinic, and we have a major practice for that, as well as having domestic violence services in Clark County, just north of Portland.

Mr. BEAN. Thank you for that question. We actually have experienced changes. There has been a crackdown on the abuse of pharmaceutical meds. But we are seeing our community members shift over to heroin and meth, because it is cheaper to produce.

We are right on the I-5 corridor, which is a major drug corridor. So being in a major metropolitan area, we battle those problems on a daily basis. But the changes we are seeing is a shift to lower-cost forms of drugs.

Mr. CALVERT. One last quick question, because I am just curious, because as a committee, we have to deal with some of the endangered species issues.

As you know, the Fish and Wildlife is repopulating the wolf population. Are you seeing an incursion of wolf populations in your areas?

Ms. CHARLES. No.

Mr. IYALL. I have seen a couple last elk season. But down in southwest Washington, it is a rare occurrence in southwest Washington. But we know they are there. They have probably always been there, to some degree.

There are known occupants in Oregon, but I think most of that is in northeastern Washington, north-central Washington. That is where you are running into the issues where you have large ranchlands and such. That is where the conflicts occur. I am sure you can get some better answers from our fellow tribal leaders from that area.

Mr. CALVERT. I am just kind of curious, because we are dealing with that. Thank you.

Ms. McCollum.

Ms. MCCOLLUM. I am going to yield to Mr. Kilmer.

Mr. CALVERT. Okay. Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman.

Thank you, Ms. McCollum.

I just want to express gratitude to these leaders for being with us today.

I recall Mr. Bean's testimony last year when he talked about the correctional facility and suggested that the tribe would not have actually gone forward with the construction of it with the knowledge that the operational expenses would not be covered.

That is still the case, correct?

Mr. BEAN. That is still the case. Yes, sir.

Mr. KILMER. I also just wanted to ask, if time permits, if Chairwoman Charles can speak briefly about the land acquisition need driven by the dam removal and incursion on your tribal lands.

Ms. CHARLES. That is correct. Part of the dam removal project done in 1992, there was some projects land that is adjacent to it.

But also we have a creation site. It is very sentimental and culturally tied to the tribe.

Some of our elders that have been involved in it, to say that we have lost many elders through the process just as much, but having that opportunity to walk up and hike into the sacred site itself, that was not a myth. It is reality, and being able to share that with a few of them.

There are about 1,000 acres that is kind of bordered to the reservation itself. We have it in a conservation status area that we are looking at. But looking at some of the economics and outreach for the housing, as it has been identified in the act itself, so we are hoping now that the dams are out. But there are still a lot of work to be accomplished through that process.

We can go ahead and move forward on acquiring the land and having it transferred to the Lower Elwha Klallam people that is adjacent to the project itself.

So it is an ongoing challenge. And every time I come back to Washington, D.C., it is one of the major things that we hit on the Hill a lot of the times in working with the previous as well as the current Senators and Congressman Kilmer in regards to that.

So we are hoping for the continuing support on that. We realize that the cost factor has risen above the scope of it, but it really has an impact on our tribal community. And there are a lot of land opportunities that the neighbors have come forward to the tribe to acquire but we are also looking for the funding aspects of that, of that \$4 million, which was identified in 1992. Then when we have done a survey of the land for sale in Clallam County to the current values of what the land is now, it jumped it up to almost \$18 million. But we are still looking for the 1992 clause.

Mr. KILMER. Thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. Cole.

Mr. COLE. Just quickly, one or two of you mentioned, effectively, the expansion of tribal sovereignty and VAWA, in terms of the ability to bring predators to account, but that is going to involve a lot of investment in capacity in terms of law enforcement, and in terms of judicial systems I know we have a couple pilot projects underway with various tribes. I think the Pascua Yaqui are very involved in this.

Are any of your tribes working toward this or involved in any pilot kinds of programs where you demonstrate the ability to actually enforce the additional sovereignty that Congress extended?

Mr. BEAN. Puyallup is not a part of any pilot project, but we do have a court system in place and are definitely seeking expanded funding so we can implement the Tribal Law and Order Act and VAWA, because we look at those and my elder councilman, Lawrence LaPointe, always comments on how these are unfunded mandates. So we are going to continue to come here and tell our story, and invite you all to our reservation to see our systems and see what we are working with firsthand.

Mr. IYALL. And the Cowlitz are going to build that infrastructure as a part of a reservation now that we have that available. DOJ will be a component in providing that service. We already have very strong support from DOJ in our urban services clinic, and that will continue, obviously. It is a very successful, nationally recognized program.

Ms. CHARLES. Lower Elwha currently is in not in a pilot program either, but we do have our own tribal court system in regards to that. These are some of the outreaches that we are seeking for more funding on because we need some of the domestic violence that are occurring are related to nonnatives or other natives that are in tune with that.

But we have good working relationships with the local agencies, the county and the city, for cross-subsidization that occurs with our officers.

But it is something that is in great need. We need to have family services umbrellaed around the programs, but also to the fact we have a need for foster care because of the displacement that is

taken on with the families and foster care within our own jurisdiction for the tribal communities.

We are seeing a lot of our elders, our grandmas, that are taking care of the grandchildren, and they are utilizing their Social Security resources to fund the families.

But the need is being able to hire on more public defenders as well as prosecutors. And we just recently contracted with another judge because we are just getting overloaded in our community for the high rise because of the drugs and alcohol, domestic violence relations that are occurring there, but in our chemical dependency programs just as much as we see a real high increase in our community and surrounding.

Mr. COLE. Thank you very much.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Ms. McCollum.

Ms. MCCOLLUM. We are struggling to figure out how to fix broken physical school buildings. We are committed to trying to figure something out. We are working hard with tribal leaders to make sure that you have the educational resources to put inside of that building, including teachers.

But you just brought up an interesting dynamic that is going on now that was not going on when a lot of these buildings were built. You are residents of a State, you are tribally enrolled Nation members, and you are citizens of the United States. So in the State that you are in, is there a move toward universal pre-K? There is in Minnesota, and you are going to want the same thing for your preschool students as is available for all the preschool students who are residents in Washington State.

Is that part of the reason why pre-K was mentioned in the testimony? Do you need the space for it?

Everybody is shaking their head yes, which does not record.

Mr. BEAN. Absolutely, yes, it is.

Ms. MCCOLLUM. Okay.

Mr. Chair, I think we might have a new opportunity.

Mr. CALVERT. There you go.

Ms. CHARLES. But even with the requirements of our preschool and the Head Start realm of it, there is a lot of regulations and training that is required of them. But the funding is not there for them. That is one of the great needs that we see, is because we are being mandated for our teachers and our staff, that they are required to attend to these trainings, but there are no resources.

Ms. MCCOLLUM. Thank you.

Mr. CALVERT. Thank you. And I want to thank this panel for your testimony and answering our questions.

We are going to be calling up our next panel.

Fawn Sharp, president of the Quinault Indian Nation; Timothy Ballew, the second chairman of the Lummi Nation; Jim Peters, second councilmember of Squaxin Island Tribe; and Orvie Danzuka, councilmember of the Confederated Tribes of Warm Springs.

If you take your seats, we will get going here.

I see Fawn remembered her green today. I forgot mine.

Thank you for attending today. We appreciate it. We will start with you, Ms. Sharp. We are obviously under the 5-minute rule, and we appreciate your testimony.

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THURSDAY, MARCH 17, 2016.

## **QUINALT INDIAN NATION**

### **WITNESS**

#### **FAWN SHARP, PRESIDENT, QUINALT INDIAN NATION**

Ms. SHARP. Thank you very much, Chairman Calvert, distinguished members of the committee.

On behalf of the Quinalt Indian Nation, I thank you for the opportunity to provide our testimony. I want to just give you a little brief background on Quinalt before I jump right into the four specific requests that we will be making.

The Quinalt Nation is located in a very pristine part of the country. We occupy 31 miles of international border. Within a 20-mile radius, you can find rivers from glacier to ocean with absolutely no development, pristine lakes, a very clean part of the country. We occupy 220,000 beautiful acres of reservation lands.

The flipside of all that natural beauty is we are very vulnerable to a number of natural disasters. We are located off the Cascadia subduction zone. Our main village is located below sea level right off the Cascadia subduction zone. We are very vulnerable to major earthquakes, liquefaction. Geological studies have proven that our main village is in an area that is vulnerable to liquefaction.

So with all of these potential hazards, over the course of the last 2 years, I have had to declare two states of emergency. The Army Corps of Engineers constructed a temporary seawall. It was constructed in 2014, and it was intended to be a 2-year fix.

This last week, we had a major storm surge, and I thought I was going to have to evacuate nearly 1,000 citizens out of harm's way. The ocean did breach into the lower village. It came right up to our courthouse.

We are really concerned that if we have another storm event this year, we can see some major damage. So part of my testimony will focus on the very specific issue of the village relocation.

Two years ago, the Quinalt Nation secured a \$700,000 ANA grant to begin a master plan to remove the entire village from the lower part about a mile to higher ground.

This area is very sacred to us. Where the Quinalt River meets the ocean, that is the place where our ancestors negotiated the treaty with the United States. The thought of that area disappearing and being underwater is unthinkable.

But we are looking at a vision for creating a brand-new village. So the specific request that we have to relocate the village, we applaud the Department of the Interior for including a \$15.1 million increase over 2016 to help tribes to prepare for climate change.

The Quinalt Nation is not only experiencing a lot of the natural disasters that I mentioned, the glacier that feeds the Quinalt River, the Anderson Glacier, has just disappeared. It no longer ex-

ists. We have two other glaciers that feed the Quinault River, but we are very vulnerable to those.

So we urge the committee to continue to look at ways of increasing line items and funding for climate change.

Another related issue is providing an access road. Right now, we only have one access road in and out of this village. The village continues to occupy our emergency services, our school K-12, a lot of our senior programs, our main community center where we convene cultural gatherings. Right now, there is only one access road with a 15-minute window for evacuating in the case of a natural disaster.

So it is critically important that we are able to secure funding to provide access in and out of the village. We are looking at the potential of an 8.2 mile link that would connect the village to another exterior logging road that would provide two points of entry and two points of exit for our citizens.

The cost is \$3.5 million. We urge the committee to support the \$26.7 million funding for BIA Road Maintenance Program to address the transportation safety concerns for tribal communities.

We also urge the subcommittee to include report language giving funding priority to tribes with safety and emergency access concerns, such as the Quinault.

My third request relates to the restoration of the Quinault blueback. It is a prized sockeye fish of the Quinault people. We have invested about \$8.6 million, and thus far, we have restored 2.5 miles of critical salmon habitat, creating 28 jobs. We ask for funding to continue along those efforts.

My fourth and final request is the need for drug interdiction. I appreciate the question asked earlier about drug efforts. We do occupy 31 miles of international border. There are 22 points of entry from the Pacific Ocean to Highway 101 with no patrol.

In 2012, we executed 17 Federal indictments. One person ended up with a 10-year prison sentence for drugs within our village.

So on behalf of the Quinault Indian Nation, I once again thank you for the opportunity to provide our testimony. We ask that you continue to honor the treaty and trust responsibilities of not only the Quinault Nation but tribes throughout the United States. Thank you very much.

[The information follows:]

**Quinault Indian Nation Appropriations Testimony  
House Interior Appropriations Subcommittee  
March 2016**

Good afternoon Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Fawn Sharp, President of the Quinault Indian Nation ("Quinault"). The Quinault Reservation ("Reservation") is located on the southwestern corner of the Olympic Peninsula of Washington State and abuts the Pacific Ocean. I represent nearly 3,000 tribal members. Thank you for holding this hearing to examine the critical funding needs of Indian Country. My testimony focuses on the following priorities: (1) our plan to relocate the Quinault community to higher, safer grounds due to impacts related to natural disasters; (2) the need for additional roads to access our village; (3) our request to restore the Blueback salmon in the Upper Quinault River; and (4) the need for funding to support drug interdiction.

**U.S. Responsibility to Meet its Treaty and Trust Obligations to the Quinault People**

The Quinault were a signatory to the Treaty of Olympia, which was signed on July 1, 1855, and on January 25, 1856 (11 Stat. 971). The lands and waters of the Quinault Reservation consist of 207,150 acres of beautiful forest lands, mountains, rivers, a lake, and 25 miles of relatively undisturbed Pacific coastline. There are two major villages and one housing community located within the Reservation. The village of Taholah, which is where the Quinault government operations are headquartered, is located in the southern portion of the Reservation. The village of Queets is situated in the northern portion of the Reservation.

Under the Treaty of Olympia, the Quinault retained our inherent sovereign rights to govern our lands, properties, resources, and our people. This includes access to our usual and accustomed lands and waters, and the right to co-manage the natural resources outside of our Reservation. Sadly, the United States has fallen short of meeting its treaty obligations as appropriations cuts, sequestration, inflation and other factors impede the federal government's ability to meet its trust responsibility. As a result, Quinault spends \$4.4 million annually to supplement lapses in Federal funding.

**Dire Need to Move the Quinault People to Higher Ground**

Noskiako's village, or Lower Village, on the Quinault Reservation is located along the banks of the Quinault River at its juncture with the Pacific Ocean. The area is in a tsunami hazard zone. On multiple occasions, the tribe has had to declare a state of emergency due to seawall breaches. Despite the Army Corps of Engineers rebuilding and reinforcing our seawall after the breach in March, 2014, persistent natural disasters related to climate change, including flooding, sea level rise, storm surges, mud slides, tsunamis, earthquakes and ensuing liquefaction continue to threaten the safety of our people. Compounding the issue of public safety is the lack of auxiliary surface roads for emergency access to and from the villages. The villages of Taholah and Queets each have direct access via only one highway (State Route 109 and US 101 respectively).

The Lower Village is no longer a safe place for the Quinault. We are taking steps to relocate our people to higher ground. In 2013, Quinault received a \$700,000 grant from the Administration for Native Americans to develop a comprehensive master plan to move Quinault people from the historic Lower Village, located below sea level, to the Upper Village, which is mostly protected

from flooding at approximately 120 feet above sea level. Our K-12 Tribal School, our child care center, our Head Start program, and our senior housing center are located in the lower village and have less than a 15-minute evacuation window in the event of an earthquake or tsunami. This puts our children and elders at extreme risk. Further, many of our emergency services such as fire, public safety and EMS/ambulances are also located in the lower village. Quinault cannot take on this endeavor alone, and we urge the Subcommittee to address these important safety issues.

### **Funding Request for Relocation Project**

The Quinault relocation project has five components: (1) Land Acquisition; (2) Master Planning for Upper Village Development and Lower Village Reclamation; (3) Infrastructure Development; (4) Engineering and Architectural Planning; and (5) Workforce Development and Construction. Completion of the project is estimated to be 10 to 20 years. We hope to secure funding for the relocation project through a combination of public and private sources.

The first phase of the plan is the acquisition of 246 acres of individual land allotments in the proposed Upper Village, all of which have fractionated undivided interests. The Quinault Indian Nation will work cooperatively with the Bureau of Indian Affairs ("BIA") to buy the individual allotments to be taken into tribal trust for uses that will benefit the entire community. The Tribe is working to ensure the Cobell Land Buy-Back Program will help in its plan to acquire these properties. We will know by summer 2016 if this process was successful. If the Program is unsuccessful in acquiring 100% interest in these properties, there will be need for additional efforts and funds to acquire the remaining interests. Phases one and two of the project will occur concurrently.

The new village will accommodate approximately 400 building sites for housing and locations for over 200,000 square-feet of community buildings. The new building sites will accommodate the 175 houses from the lower village, 129 families on the Quinault Housing Authority's waiting list and additional sites for future community growth. There will be approximately 7 miles of new streets, utilities and related infrastructure. The existing domestic water well and associated pipeline would likely be destroyed during a subduction zone earthquake and related tsunami. Therefore, another water source is being sought. The Master Plan calls for the protection of the existing wastewater treatment plant with an armored berm to shield it from the predicted tsunami.

When completed, the relocated village will fulfill Quinault's goal of promoting the health, safety, and wellbeing of our people. However, the area planned for development is largely without basic infrastructure. Our master planning incorporates pedestrian and bicycle friendly roadways, transit access, water systems, and green utilities. We also plan to build sustainable and affordable housing for our members, incorporating passive solar heating technology. Our plans also include a new emergency operation center and a mixed-use community facility to accommodate early education, daycare, and workforce training programs. This project will create jobs on our Reservation, which has an unemployment rate significantly higher than the surrounding areas. We will provide the job training and certification necessary for Quinault members to obtain employment during the construction phases of the relocation project.

Quinault supports the efforts of Congressman Kilmer to provide direct funding, via preventative measures, to protect and preserve coastal tribal communities through the Tribal Coastal Resiliency Act. While working to relocate, we must not allow our culture and heritage to be destroyed by natural disaster. The Tribal Coastal Resiliency Act will give tribes the needed resources to ensure their heritage areas are protected.

*We applaud the Department of the Interior for including a \$15.1 million increase over 2016 to help tribes prepare and respond to climate change. We urge the Subcommittee to direct the BIA to prioritize spending for tribes on the front lines of climate change, and include report language that mandates funding criteria, drafted in consultation with the tribes, and be flexible enough to address the needs described above.*

#### **Funding Request for an Additional Road to Access Quinault's Village of Taholah**

Exit and entry access to the village of Taholah, where Quinault's government offices are located, is limited to a single highway. Access to the village is cut off during natural disasters and weather events such as downed trees, mudslides, and treacherous conditions that make the road impassible. This is a serious concern for our people. When access is cut off, emergency vehicles are unable to reach or leave the villages. The lack of adequate emergency response recently contributed to the death of an elder. Our community remains vulnerable to similar emergency response failures if we do not address this critical concern.

Quinault proposes to link an 8.2-mile service road, known as BIA Road 29 or McBride Road, primarily used for forest management and harvest activities, to a nearby highway. This will create two exit and entry points to our village. We estimate that this project will cost \$3.5 million for road construction and improvement activities once either the lands or the right-of-ways are acquired.

*We urge the Subcommittee to support the \$26.7 million funding request for the BIA Road Maintenance Program to address the transportation safety concerns of tribal communities. We also urge the Subcommittee to include report language giving funding priority to tribes with safety and emergency access concerns.*

#### **Request to Support Blueback Salmon and Upper Quinault River Restoration**

The Quinault Indian Nation is leading the effort to restore the Upper Quinault River and the productivity of sockeye salmon known to the Quinault people as "Blueback." Our most important salmon resource is the Blueback, which spawns only in the Upper Quinault River ("River"). The Blueback, as well as other salmon stocks native to the River, have significantly declined over the past 50 years due primarily to habitat loss associated with instability of the river caused by the removal of floodplain forests and other associated factors. In 2008, we developed a river restoration plan to restore the Upper Quinault River. Numerous Federal and Washington State agencies, and coalition groups support our plan.

Quinault has raised and invested approximately \$8.6 million in river and Blueback restoration over the past decade through a combination of state legislative funding appropriations, grant funding, and tribal dollars. To date we have worked to restore 2.5 miles of salmon habitat, helped to sustain 28 jobs, and provided benefits to private landowners, local businesses, and other local

stakeholders. While we have made significant progress, there is still much to be done to achieve full restoration.

***We urge the Subcommittee to provide \$7.8 million over a period of 5 years to support Upper Quinault River and Blueback Salmon restoration efforts. These funds will allow for the restoration of 7.7 miles of river, 860 acres of new floodplain, 140 engineered logjams, 537 acres of new forest and 61 permanent and seasonal jobs.***

#### **Need for Funding for Drug Interdiction Efforts**

The Quinault Nation Reservation is remote and includes more than 200,000 acres of forest land and 25 miles of undeveloped coastline. This setting offers many secluded entry points onto the Reservation for organized criminal enterprises that have plagued our community. Highway 101 passes through the Reservation and is a major route for drug trafficking. In 2012, tribal police, working with federal, state and local officials helped an investigation that uncovered black tar heroin and liquid methamphetamine, and led to 17 arrests of persons with ties to drug cartels.

We continue to work with federal and local law enforcement to intercept those engaging in criminal activity on our Reservation. We have a current case of possible smuggling that we are working with the U.S. Customs and Border patrol on at this time. They and the FBI and DEA have limited resources to assist in long-term interdiction and Quinault is in need of more federal assistance in this area. In addition, the Quinault Nation has a 10-man police department that has no criminal jurisdiction over non-tribal offenders. As we continue to build a closer relationship with the local U.S. Attorney's office and the FBI, our ability to fight drug-related crime has improved. We are currently discussing obtaining authority from the U.S. Attorney's office to allow us to issue violation notices to non-tribal people for minor offenses, which will help with the non-tribal population committing offenses on our lands. However, access to Federal grant programs specifically for drug interdiction are difficult to obtain. While Quinault invests \$970,000 in tribal funds annually into law enforcement activities, including drug interdiction, this is not enough to adequately address and prevent this activity.

***We support fully funding criminal investigations and police services in the FY 2017 Subcommittee bill. However we urge the Subcommittee to increase the line item funding within criminal investigations to combat drug trafficking and crime in Indian Country and ask that report language be included to ensure that these funds can be used by all coastal and border Tribes which are among the most susceptible to drug cartels and smugglers.***

#### **Conclusion**

The Quinault Indian Nation is taking steps to build a brighter future for our people. We are guided by our traditions and deep desire to control our own destiny. We are doing our part to improve the lives of our people and to create opportunity on the Reservation, but we can't do it alone. We urge the Subcommittee to honor treaty and trust responsibilities to Quinault and to support our requests. Thank you for allowing me to testify to the Subcommittee today.

Mr. CALVERT. Thank you.  
 Next, Mr. Ballew, you are recognized.

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THURSDAY, MARCH 17, 2016.

## LUMMI NATION

### WITNESS

#### TIMOTHY BALLEW II, CHAIRMAN, LUMMI NATION

Mr. BALLEW. Good morning, Mr. Chairman and members of the committee. Thank you for the time.

I would like to thank the tribal leadership who have traveled across the country to testify to the committee as well.

My name is Tim Ballew, chairman for the Lummi Nation. We have submitted a written testimony for consideration on matters of education, health care, and other matters of interior. But this morning I would like to highlight a few of the requests that relate to what is most important to our community, and that is the harvest of our salmon and fish.

The Lummi Nation is located near the Canadian border and has approximately 5,000 enrolled tribal members. We are fishing people, and we will continue to be fishing people.

The Fraser River sockeye and the harvest of that resource is extremely important, culturally and economically, to the Lummi Nation. Both Lummi and the United States through NOAA have declared a fish disaster for the 2013 fishery, and we are pursuing disasters for the subsequent sockeye seasons.

On top of the salmon disasters, we have been forced to close our shellfish beds on reservation due to instream flow pollutants from our upstream neighbors. The last time such polluting occurred, the community was forced to close our shellfish beds for over a decade.

As our elders once told us, when the tide is out, the table is set. But unfortunately, that truth does not ring true these past 2 years.

The Lummi Nation members depend on these harvests for subsistence and for the ability to make a living commercially. Each time that there is a disaster declared, our families suffer.

We cannot control some of these variables that affect the harvest of our fish and shellfish. And for that reason, we have four requests that relate to the enhancement and improvement of three of our hatcheries, two salmon hatcheries and one shellfish hatchery, all totaling just over \$2 million to increase the ability for our tribal fishermen and our subsistence fishermen to put food on the table as well as to increase the access to the resource to the greater population.

I also want to take note and thank you for the comments and questions of the previous panel relating to the opiate problem that exists in the country. If you look back over the last 2 decades, there has been a definite correlation, at least for our community, with a decrease in the ability to harvest seafood, fish and shellfish, and an increased amount of opiate abuse in our community.

Over the last 2 decades, we have done an extensive response by providing access to inpatient, outpatient treatment services, as well as other measures, which I believe have been coined medically as-

sisted treatment. We have a Suboxone clinic that we provide services to our outpatient treatment clients. We have had successes, and one of the main obstacles that we are facing is the lack of medical detox. Because of that—I am going off-script.

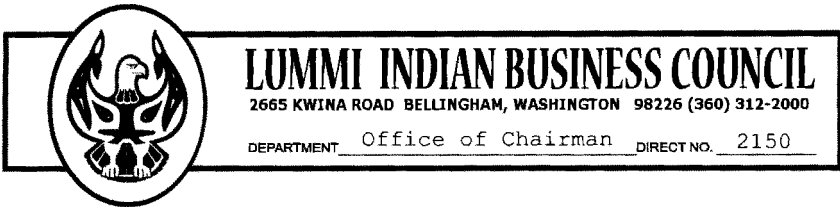
It is not in the request for IHS. I do want to take the time to say that we support the President's \$10 billion request for response to the opiate problem.

One of the things that we lack is the ability to get people in medical detox. Our service providers say that they have the ability to find a bed to send someone to inpatient treatment, and we have lost tribal members to opiate deaths because of lack of ability to get them a medical detox.

Forty out of 100 of our infants are exposed prenatally to opiates. About four times a month, our police officers have been administering Narcan for 2 years. They respond at least once a week to having administer Narcan to a person who is overdosing.

It is a definite problem. There need to be definite solutions. One of them, just one of them, that our community is looking for is access to medical detox.

[The information follows:]



**Testimony of the Honorable Timothy J. Ballew II, Chairman of the Lummi Nation Before the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies: FY 2017 Budgets for the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Indian Health Service (IHS) Programs**

First of all, thank you Mr. Chairman, and distinguished Committee members, for this opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2017 budgets.

**Background Information**

Prior to European contact and colonization the Lummi People were known as the *Lhaq'temish*. We are the original inhabitants of the Salish Sea, also referred to as Puget Sound, Washington State. The Lummi Nation is the third largest Tribe in Washington State serving a population of over 5,000 members. The Lummi Nation is one of the signatories to the Point Elliot Treaty of 1855. For thousands of years we have worked, flourished, and celebrated life on the shores and waters of the Salish Sea. We have drawn our physical and spiritual sustenance from the marine tidelands and waters of the Salish Sea since time immemorial, and we understand the challenge of respecting our traditions while making progress in a modern world - to listen to the wisdom of our ancestors, to care for our lands and waterways, to educate our children, to provide family services, and to strengthen our appropriate ties with neighboring communities and jurisdictions.

**Lummi Specific Requests – BIA / BIE**

- **+\$200,000** – BIA funding to continue the water rights restoration and management program and all water litigation expenses.
- **+\$800,000** – BIA emergency funding needed to improve water supply for Skookum Creek Hatchery.
- **+\$800,000** – BIA funding to improve water supply line from Nooksack River to Lummi Bay Salmon Hatchery.
- **+\$500,000** – BIA funding to address commercial shellfish closure impacts due to upriver water pollution.
- **+\$500,000** – BIA funding to address shellfish enhancement due to water pollution and shellfish beds closures.
- **+\$500,000** – Additional BIA funding for staff needed to address Endangered Species Act (ESA) impacts on Treaty Fishing Rights.
- **+\$250,000** – BIA funding to implement Lummi Nation's Climate Change Mitigation and Adaption Plan.
- **+\$540,600** – BIE funding for Lummi Nation Head Start and Childcare Center: new Head Start buses, additional funding for the Child and Adult Care Food Program (CACFP), and for childcare expansion funding.
- **+\$1,586,600** – BIE funding for the Lummi Nation School (LNS): school teacher

retirement, teacher and staff professional development, Coast Salish Institute (CSI) for training, vocational training for students, and for facilities expansions.

#### **Lummi Specific Requests – IHS**

- **+\$20 million** – IHS funding to allow for Indian Health Service & Department of Health and Human Services to provide minimal funding to the Lummi Nation under the Health Care Facilities Construction Program to allow for a modern medical facility, staffing, operating costs, and equipment.

#### **Lummi Specific Requests Justifications – BIA/BIE**

- **+\$200K** – Funding to continue the Lummi Nation’s successful water rights restoration and management program and water litigation expenses:
  - Nooksack River salmon stocks are depleted and disappearing; salmon are needed for commercial, ceremonial, and subsistence purposes are disappearing.
  - Nooksack River watershed is over-allocated; demand for the limited water supply is increasing and State instream flow rules are not effective and are not enforced.
  - Federal protection under the ESA is needed for instream flows and restoration.
  - Most of the expensive technical water work has been completed on a cooperative basis with the State and County governments.
- **+\$800K** – Emergency funds are needed to replace Skookum Creek Salmon Hatchery water intake. The intake was damaged by large land slide and continues to be threatened by potential landslides; 2.5 million Coho and 700,000 spring Chinook are at risk.
- **+\$800K** – Funding to improve water supply line from Nooksack River to Lummi Bay Salmon Hatchery Phase I: The existing system only provides 850 gallons per minute (GPM) to our hatchery. To increase production to a level that will sustain tribal and non-tribal fisheries alike, we need to increase our water supply four-fold. This request is for one of four phases.
- **+\$500K** – Funding to address commercial shellfish closure impacts to harvesters: Washington State and the Federal Government, with its trust responsibility, have failed to enforce the Clean Water Act standards against polluting dairies and other entities within the Nooksack River watershed. The resulting water quality degradation has caused conditional closure in Lummi’s shellfish beds. We request relief for these harvesters and their families.
- **+\$500K** – Funding needed to mitigate for loss of commercial shellfish beds in Portage Bay because failing water quality and inadequate enforcement resulted in Lummi harvesters losing 500 acres of productive tribal shellfish beds. We need to enhance other tribal shellfish beds for mitigation.
- **+\$500K** – Additional funding to support staff on addressing ESA impacts related to Treaty Fishing Rights. Salmon habitats need time to recover, hatcheries have been developed to mitigate for salmon impacts due to habitat degradation. The rehabilitation to damaged habitat will take many years. Nooksack River salmon have been listed under the ESA. The Hatchery Genetic Management Plans, pursuant to the National Oceanic and Atmospheric Administration (NOAA) and the ESA recovery guidelines, impose additional unfunded requirements for monitoring and conservation measures which will require more staff.
- **+\$250K** – Climate Change Plan: funding to support additional staff to implement Lummi Nation’s Strategic Energy Plan to evaluate current and future energy needs and resources on the Lummi Reservation, identify options for improving energy efficiency, and develop renewable energy sources. Programs will conduct energy

audits on tribal and residential facilities, develop high energy standards for new construction, pursue purchasing green power, pursuing photovoltaic electricity production, and geothermal heating and cooling.

- **+\$540K** – Funding for Lummi Nation Head Start and Childcare Center for the following: current busses require frequent repair and maintenance and the cost to replace and purchase three (3) new busses is at \$96,000 each. Reimbursement for the CACFP does not meet the need to adequately fund and provide basic food and nutritional services to the students; \$20,000 is needed to offset extreme poverty of students. There are two rooms available at the Childcare Center and no funds to fully operate the rooms. There is a need for up to five (5) staff with start-up costs and supplies at the expense of \$232,600.
- **+\$1,586,600** – Funding for the LNS for the following: \$215,405 annually for school teacher retirement to match State benefits, as the LNS lose certified staff to State positions on an annual basis; \$315,000 for teacher and staff professional development, which the LNS budgets \$9,000 less per teacher ratio compared to the State; \$8,000 for the CSI to train up to 35 teachers for cultural training/curriculum; \$48,200 to train up to 20 students for vocational training; and \$1 million for facilities expansions that include a physical activity and weight training facility.

#### **Lummi Specific Requests Justifications – IHS**

- **+\$20 million for a modern medical facility, staffing, operating costs, and equipment:** A medical facility that can provide a comprehensive mix of natural and science-based medicine for health screenings, treat those with cancer, identify diabetes related health conditions, obesity, heart disease, physical therapy and pain clinic, occupational therapy, obstetrics that includes a birthing center, and day surgery. We are in need of short term in-patient behavioral health supports, state of the art X-Ray, MRI, and CT scans for early detection of chronic internal medical conditions and to provide accurate pathways to treatment.

#### **Committee Direction to DOI Requests**

- Direct the DOI and BIA to provide increase via tribal-base funding instead of through grants to Tribal governments.
- Direct the DOI and BIA Law Enforcement Branch to solicit and assist Tribal governments who incur incarceration costs and are interested in developing their own Tribal Specific Corrections Plan.

#### **Committee Direction to DOI Requests Justifications**

- The grant process for every single tribe is ineffective and tribal leaders have been advocating for years to move away from grant funding. New BIA funding streams should be distributed using formulas that include consultation with all tribes. This would allow individual tribes to have control over their funding and operate under the Indian-Self Determination Act.
- This will provide tribes with corrections services consistent with that plan to negotiate with the BIA Law Enforcement branch their fair share of operational costs identified in annual appropriations.

#### **Committee Direction to IHS National Requests**

- Direct IHS to support the existing structure of funding for the Methamphetamine and Suicide Prevention Initiative (MSPI) and the Domestic Violence Prevention Initiative (DVPI) and allocate additional funding.

- Direct IHS to reauthorize and fund the Special Diabetes Program for Indians (SDPI) at \$200 million with five (5) year renewal.
- Direct IHS to support the efforts of Tribes to address their own health care facilities.
- Direct the Centers for Medicare and Medicaid Services (CMS) to solicit and assist Tribal governments interested in developing their own Tribal Specific Medicaid Plan.

#### **Committee Direction to IHS National Requests Justifications**

- The current MSPI and DVPI funding structure allows the Lummi Nation to continue to receive funding and any future changes could negatively impact the Lummi Nation's allocation for addressing drug, suicide, and domestic violence.
- The Lummi Nation, along with a consortium of Northwest Tribes, receives SDPI funding in order to address the alarming and growing issue of diabetes. It is vital to these communities that funding continue after the September 30, 2017 expiration date.
- Direct IHS to annually solicit Joint Venture and Small Ambulatory Health Clinic applications from Tribes and assist Tribes to overcome deficiencies in their application such that their application can be approved in subsequent years.
- This will help Tribes provide health care services consistent with that plan to negotiate with CMS to develop approvable plans and health care delivery systems.

**Regional Requests:** The Lummi Nation supports the requests of the Affiliated Tribes of Northwest Indians (ATNI), the Northwest Portland Area Indian Health Board (NPAIHB), and the Northwest Indian Fisheries Commission (NWIFC), which are beneficial to the region and our tribal interests.

**National & Self-Governance FY 2017 Budget Priorities:** In general, all BIA and IHS line items should be exempt from any budget rescission and discretionary funding budget reductions.

#### **BIA**

- Fully fund Contract Support Costs (CSC): seek permanent full funding for contract support costs that will not come at the expense of direct program funding or retained tribal shares without deduction from tribes' amounts to cover federal reconciliation.
- Increase the Fish Hatchery Maintenance funding from \$6.8 million to \$15 million.
- Increase funding to the Detention/Correction funding from \$95 million to \$150 million and increase contracts funds with county correctional facilities.

#### **IHS**

- Provide \$814.8 million increase to the IHS over the FY 2017 President's budget request.
- Fully Fund Contract Support Costs (CSC): provide increase over the President's FY 2017 request needed to fund the CSC shortfall and to fulfill its contract obligation.
- Program Services Increases from FY 2016 budget: +\$17 million increase for dental health services, \$54.2 million increase for mental health services, \$49.5+ million increase for Alcohol and Substance Abuse Programs (ASAP) and \$198.2 million increase to provide for Purchased/Referred Care (PRC).

Lastly, we ask that you support the \$9 million in the President's budget for the Fishery Disaster Mitigation Fund. Thank you (Hy'she) for this opportunity to provide Lummi Nation appropriations priorities for FY 2017.

Mr. CALVERT. Thank you for your testimony.  
Mr. Peters.

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THURSDAY, MARCH 17, 2016.

## **SQUAXIN ISLAND TRIBE**

### **WITNESS**

#### **JIM PETERS, SECOND COUNCIL MEMBER, SQUAXIN ISLAND TRIBE**

Mr. PETERS. Good morning. My name is Jim Peters, Squaxin Island Tribe, tribal councilmember. Thank you for the opportunity, Chairman, to speak in front of you and the committee, and specifically Congressman Kilmer, my Congressman in the Sixth District.

I am here on behalf of our tribal leadership and our tribal citizens. Squaxin Island Tribe is located in deep southern Puget Sound. We are located in a very enriched shellfish and fish environment in the State of Washington.

We first want to applaud the committee for the past few years of fully funding the contract support costs. However, like some of the other tribal leadership, there is a proviso in that that causes some issues. We would just encourage you to hear from the tribes and that we do have some solutions to that, and we want to make sure that we continue to make advances that we have had in the past.

So before I go into a Squaxin-specific request, I want to just let you know that we support the regional requests. Specifically, support the budget request from Affiliated Tribes of the Northwest Indians, the Northwest Portland Area Indian Health Board, and also the Northwest Indian Fisheries Commission budget requests.

Also, we would request and recommend the Bureau of Indian Affairs request on the national level, and also the Indian Health Service requests that we have there.

So as I said, the Squaxin Island people have been always a maritime people in southern Puget Sound. We are known as the People of the Water. We have strong cultural connections to the natural environment around us.

The island itself is 2.2 square miles. And because it does not have a year-round water supply, we are allowed to move off of that reservation and back into our original inlets and areas.

Today's tribal community is located in Kamilche, Washington. We have roughly just over 1,000 tribal members, and I just wanted to note that we are the largest employer of Mason County with over 1,200 employees.

Our specific request, because of our enriched areas that were at, is the shellfish management funds. We are requesting \$500,000. We were able to, because of the area that we are at, and, as you know, the Rafeedie case, the shellfish case that reaffirmed our shellfish treaty rights, put a burden on us to continue to be able to manage that fishery adequately.

So we will need to be able to go forward. In fiscal year 2011, the shellfish program represented only \$250,000 of a \$3.3 million budget. That is making it almost impossible for us to exercise our treaty rights fully.

Our next request is a \$2 million request to build and operate an oyster and clam nursery. Unfortunately, with the natural production of shellfish in southern Puget Sound, you would not think we would have to do this, but because of weather and environmental factors, water quality, mainly, a lot of our shellfish beds are being closed down or limited to time and spaces where we are able to harvest.

This project ties into a project that was funded through the Department of Agriculture 2 decades ago for the Lummi Tribe. This will be a joint venture with the Lummi Tribe, their operations that they have up there in north sound. We are creating one in south sound. And we have the land and the area that is fairly protected right now to be able to put this type of facility in and protect it.

This facility would also be something that it would not just be for the Squaxin Island Tribe, but for other tribes and shellfish industry.

The other quick thing that I would like to close on is the increase to our Northwest Indian Treatment Center. This is a treatment center that is using cultural healing processes along with contemporary medical and things like that. We have been very successful, but because of not being able to upgrade, we are falling behind, and we need that extra money to be able to go forward to keep the program going.

Thank you very much for the opportunity to hear us, and I will take any questions later.

[The information follows:]



## Squaxin Island Tribe

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**Oral Testimony of Councilman Jim Peters, Squaxin Island Tribe  
Before the Submitted to the House Interior, Environment and Related Agencies  
Appropriations Subcommittee  
On the Fiscal Year FY 2017 Budgets for the  
Bureau of Indian Affairs and the Indian Health Service  
March 17, 2016**

Good morning distinguished members of this Subcommittee and to my Representative from the 6<sup>th</sup> District in the State of Washington, Congressman Derek Kilmer. On behalf of the Tribal Leadership and citizens of the Squaxin Island Tribe, it is an honor to provide our funding priorities and recommendations for the FY 2017 Budgets for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). Squaxin Island Tribe requests that Tribal program funding throughout the Federal government be exempt from future sequestrations, rescissions and disproportionate cuts.

We applaud the Committee for its foresight, leadership and creativity in seeking a long-term resolution to fully fund Contract Support Cost (CSC). Although full funding in 2014 and 2015 was risky and did impact some other Tribal funding, in the FY 2016 enacted spending bill you included an estimated amount to fully fund the needs. We support the proposed FY 2017 CSC full funding for both BIA and IHS and the inclusion of separate CSC accounts for both. Unfortunately, a proviso in the FY 2017 proposed budget regarding the use and disposition of unexpended CSC contract and compact funds presents a problem and is contrary to current law. The Indian Self-Determination and Education Assistance Act (ISDEAA) address this issue and we ask that you hear from Tribes in advance of acting on this proposal. We have made great strides with CSC and it would defeat your intentions to resolve this matter without fully realizing how complicated and misleading this provision can be to the progress you have made to date.

**THE FY 2016 SQUAXIN ISLAND TRIBAL SPECIFIC REQUESTS:**

1. \$500,000 Shellfish Management Program – BIA
2. \$2 Million to Build and Operate an Oyster and Clam Nursery for Southern Puget Sound – BIA
3. \$1.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS

**THE FY 2016 SQUAXIN ISLAND REGIONAL REQUESTS:**

1. +\$4.7 million increase for Rights Protection
2. Fully support the budget requests from the Affiliated Tribes of Northwest Washington (ATNI) and the Northwest Portland Area Indian Health Board (NPAIHB) and the Northwest Indian Fisheries Commission

**NATIONAL REQUESTS AND RECOMMENDATIONS – BUREAU OF INDIAN AFFAIRS**

1. +\$1 million increase over 2016 enacted level of \$277 million to fully fund CSC
2. Authorize reclassification of BIA CSC to Mandatory [Permanent] Funding beginning in FY 2018
3. +\$5 million increase Sustainable Stewardship/Natural Resources

- 
4. **+ \$30.9 million increase for Tribal Priority Allocations to be provided via Tribal base funding agreements**
  5. **+\$4 million for Native One-Stop to leverage Federal resources for Tribes**
  6. **Fully fund all the provisions of the Tribal Law and Order Act of 2010 and the Violence Against Women Act**

**NATIONAL REQUESTS AND RECOMMENDATIONS – INDIAN HEALTH SERVICE**

1. **+\$82 million increase for CSC above FY 2016 enacted level**
2. **Authorize reclassification of IHS CSC to Mandatory [Permanent] Funding beginning in FY 2018**
3. **+\$482.4 million IHS Mandatory Funding (maintaining current services)**
4. **+\$42 million increase d increase for Purchased and Referred Care (PRC)**

**Squaxin Island Tribes supports the Regional Budget Priorities of the Northwest Indian Fisheries Commission, the Affiliated Tribes of Northwest Indians and the Northwest Portland Area Indian Health Board.**

**Squaxin Island Tribe supports the National Budget Priorities of the National Congress of American Indians and the National Indian Health Board.**

**SQUAXIN ISLAND TRIBE BACKGROUND**

We are native people of South Puget Sound and descendants of the maritime people who lived and prospered along these shores for untold centuries. We are known as the *People of the Water* because of our strong cultural connection to the natural beauty and bounty of Puget Sound going back hundreds of years. The Squaxin Island Indian Reservation is located in southeastern Mason County, Washington and the Tribe is a signatory to the 1854 Medicine Creek Treaty. We were one of the first 30 Federally-recognized Tribes to enter into a Compact of Self-Governance with the United States.

Our treaty-designated reservation, Squaxin Island, is approximately 2.2 square miles of uninhabited forested land, surrounded by the bays and inlets of southern Puget Sound. Because the Island lacks fresh water, the Tribe has built its community on roughly 26 acres at Kamilche, Washington purchased and placed into trust. The Tribe also owns 6 acres across Pickering Passage from Squaxin Island and a plot of 36 acres on Harstine Island, across Peale Passage. The total land area including off-reservation trust lands is 1,715.46 acres. In addition, the Tribe manages roughly 500 acres of Puget Sound tidelands.

The Tribal government and our economic enterprises constitute the largest employer in Mason County with over 1,250 employees. The Tribe has a current enrollment of 1,040 and an on-reservation population of 426 living in 141 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10%, and an unemployment rate of about 30% (according to the BIA Labor Force Report).

**TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:**

**1. \$500,000 – SHELLFISH MANAGEMENT** - The Squaxin Island Tribes faces a budget deficit to maintain and operate the shellfish program at the current level. To effectively grow and develop the program, an annual minimum increase of \$500,000 to address the shortfall and ensure the continuance of this program is requested.

Shellfish have been a mainstay for the Squaxin Island people for thousands of years and are important today for subsistence, economic and ceremonial purposes. The Tribe's right to harvest shellfish is guaranteed by the 1854 Medicine Creek Treaty. ***It is important to remember that these rights were not granted by the Federal government. They were retained by the Tribe in exchange for thousands of acres of Tribal lands.*** On December 20, 1994 U.S. District Court Judge Edward Rafeedie reaffirmed the Tribe's treaty right to naturally occurring shellfish. Rafeedie ruled that the Tribe(s) has the right to take up to 50 percent of the harvestable shellfish on Washington beaches.

The Squaxin Island Natural Resources Department (SINRD) is charged with protecting, managing and enhancing the land and water resources of the Tribe, including fish and shellfish habitat and species. In so doing, the Department works cooperatively with state and Federal environmental, natural resources and health agencies. The shellfish management work of the SINRD includes working with private tideland owners and commercial growers; surveying beaches; monitoring harvests; enhancing supply (prepping, seeding, monitoring beds) and licensing and certifying harvesters and geoduck divers. We estimate that 20% of treaty-designated state lands and 80-90% of private tidelands are inaccessible to us due to insufficient funding.

In FY2011, the shellfish program represented only \$250,000 of the \$3.3 million budget. The result is we are unable to fully exercise our treaty rights due to lack of Federal support for shellfish.

## **2. \$2 Million - Build and Operate an Oyster and Clam Nursery for Southern Puget Sound**

In the past few years, problems with seed production have developed in the shellfish industry. These problems have been primarily caused by weather and or other environmental factors, and their effects on the industry have resulted in the lack of viable and large enough seed for growers. The Squaxin Island Tribe recognizes that it is uniquely positioned to develop a new nursery to serve the shellfish growers of the South Puget Sound region. A shellfish nursery is a capital project that is both proven and a cost effective technology that takes small oyster and clam seeds and provides a safe and controlled environment for the seeds to grow to a size that can survive integration onto a regular beach placement. We have an ideal location for a nursery because it will not be disturbed by residents or recreational boaters.

Our efforts will be an extension of another project that was created through a U.S. Department of Agriculture appropriation nearly two decades ago for the Lummi Tribe, which created an oyster and clam hatchery in Northern Puget Sound. The Lummi project over years has been very successful and they have supplied not only their own beaches but other Tribes' in their region as well. The project would benefit not just Squaxin Island Tribe. It would further improve the quality and quantity of seed and make the seed process more effective for Tribal and non-Tribal growers. The users of the facility would be the Squaxin Island Tribe, other Tribes, and non-Tribal clam and oyster businesses that have been largely unable to find sites for this type of operation.

The Tribe's project will be a joint venture with the Lummi Nation, in that Lummi would be a primary larvae supplier. The project, with the expected grow-out and expansion of the industry attributable to the improved supply of seed, would offer jobs in a depressed employment area. Once established, the venture would be fully self-sustaining through sales of the product grown and at the nursery.

This project would be a capital cost of approximately \$2 million. The Tribal in-kind contribution to the efforts would include land and shoreline and operating costs. Comparable land and shoreline, if privately owned, would be easily valued in the millions.

**3. \$1.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS "D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light" – NWITC has not received an adequate increase in its base Indian Health Service budget since the original Congressional set-aside in 1993.**

The Squaxin Island Tribe has been operating the Northwest Indian Treatment Center (NWITC) since 1994. Ingenious in creativity, the center offers a wide variety of cultural activities and traditional/religious ceremonies, making it a natural place to heal - body, mind and soul. Fittingly, the center was given the spiritual name "D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light." Since the original Congressional set-aside in 1993, NWITC has not received an adequate increase in the base Indian Health Service budget. It is critical to increase the NWITC's annual base in order to sustain the current services to the Tribes of the Northwest. An increase of \$1.5 million would restore lost purchasing power and meet the need to add mental health and psychiatric components to the treatment program through other funding agents. This increase would allow NWITC to continue its effective treatment of Native Americans.

NWITC is a residential chemical dependency treatment facility designed to serve American Indians from Tribes located in Oregon, Washington and Idaho who have chronic relapse patterns related to unresolved grief and trauma. NWITC is unique in its integration of Tribal cultural values into a therapeutic environment for co-occurring substance abuse and mental health disorders. It is a 28 bed, 30-60 day residential facility.

Welcomed and hailed by Tribal Leaders who felt the urgent need for such a facility, NWITC is centrally located in Grays Harbor County between Olympia and Aberdeen, on 2.5 acres in the small rural town of Elma, Washington. NWITC accepts patients that are referred through outpatient treatment programs, parole and probation services, hospitals, assessment centers and child and family service centers. Medical care is provided through local Indian Health Service clinics and other medical service providers. NWITC has responded with an overwhelming success rate of nearly 65 percent.

In 2011, the NWITC served 225 patients from 28 Tribes and added intensive case management and crisis support to alumni in order to continue to promote positive outcomes for clients. Despite funding challenges, NWITC has continued to develop and deliver innovative, culturally appropriate services to meet increasingly complex demands.

The Treatment Center's traditional foods and medicines program is supported through a partnership with the Northwest Indian College and is funded through grants from the Washington Health Foundation, the National Institute of Food and Agriculture, The Potlatch Fund and several Tribes. Weekly hands-on classes focus on traditional foods and medicines, including methods for growing, harvesting, processing, and preparation. Twice a month, Tribal elders, storytellers, and cultural specialists speak as part of the program. A monthly family class allows patients to share what they are learning with their loved ones. Patients gain hands-on experience by working in three on-site teaching gardens. This program serves as a model for other Tribal communities.

It is ironic that we were forced into a lifestyle and to give up our land, and that which we retained or have since regained is threatened by the promises you made and have since recanted!

Thank you for inviting us to present this Testimony.

Mr. CALVERT. Thank you.  
Councilman Danzuka.

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THURSDAY, MARCH 17, 2016.

## CONFEDERATED TRIBES OF WARM SPRINGS

### WITNESS

#### ORVIE DANZUKA, COUNCIL MEMBER, CONFEDERATED TRIBES OF WARM SPRINGS

Mr. DANZUKA. Thank you, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. My name is Orvie Danzuka. I serve on the tribal council for the Confederated Tribes of Warm Springs Reservation of Oregon.

We have 64,000-acre reservation right in the middle of Oregon. It is bounded on the west with Mt. Jefferson. On the east is the Deschutes River, a salmon-bearing river. In between, you have forest, farmland, and high desert.

The majority of our tribal members live on the reservation, and the unemployment rate exceeds 60 percent at this time—that is 60 percent.

The town of Warm Springs has the second highest incidence of poverty in Oregon. Putting our people to work and providing basic social services, especially health care and education for our members, is extremely challenging.

Our Federal appropriation priorities reflect the dire circumstances we face.

Warm Springs is home to one of the largest tribal forests in the country. Forest management is our economic lifeblood. Jobs in the woods and at our mill are crucial for the stability of our community and the health of our people.

We are grateful that Congress has provided small increases to BIA Forestry in the last couple of years. We are concerned, however, that the funding trends are not meeting the dire needs on the ground. We are dismayed that the administration proposes to flat line BIA Forestry this year. This would impact our green timber program that feeds our mill.

This only makes worse the fact that Indian foresters receive only one-third the level of Forest Service on an acre-by-acre basis.

Along with Intertribal Timber Council, I urge you to increase the forestry account by \$25 million, which would bring the total to \$77 million.

If green forests are mismanaged, they turn black. Last year, about 70,000 acres burned at Warm Springs, destroying over \$1 million worth of timber. This is, unfortunately, not unusual. We have had large fires the last 6 years in a row.

We are surrounded by Forest Service land and many of the fires start on their land and burn onto ours. This has destroyed timber that should be feeding our local timber mill. It has also burned areas that the tribe has set aside for carbon sequestration projects.

Warm Springs and other timber tribes are facing challenges after fires to recover value from deadwood and rehabilitate the land. Last year, tribes needed \$15 million for post-fire recovery efforts.

\$2 million was appropriated, which means we were not able to accomplish all the work we need to or as quickly as we should.

If this trend continues, the cost will only increase as forests grow unhealthy and fires become more destructive.

Shifting to health care, in 1992, Congress authorized the Joint Venture agreement between IHS and Warm Springs. The tribe financed construction of a new facility, and IHS agreed to fully fund and staff the facility. Unfortunately, Federal funding has been far short of the commitment.

Warm Springs supports the \$377.4 million above the fiscal year 2016 enacted level of \$4.808 billion for IHS.

As far as education, Warm Springs is also in a unique situation. We do not have a Bureau of Indian Education school. Instead, we partner with the local public school district, and we recently built and opened a \$21 million K–8 school on the reservation.

Our local public school district has the most Native American students out of any in Oregon. About 35 percent of its 950 Native students have missed too much school in the past year.

Our old on-reservation school was categorized as a priority school, which means it was one of the lowest performing in Oregon. I am sure that you have seen the statistics that show Oregon has the lowest graduation rate in the Nation, and specifically our district has the lowest graduation rate in the State of Oregon.

So our aim is to increase performance of our students at the new school, and Johnson-O'Malley funds are critical to maintaining vital school programs. Warm Springs supports the administration's proposed increase of \$3.755 million.

With that, that concludes my statement. And thank you again for hearing me today.

[The information follows:]

**Testimony of Orvie Danzuka  
Tribal Council Member  
The Confederated Tribes of the Warm Springs Indian Reservation  
Before the House of Representatives  
Committee on Appropriations, Subcommittee on Interior  
and Related Agencies  
Hearing on FY 2017 Appropriations  
March 17, 2016**

SUMMARY

Mr. Chairman, I am Orvie Danzuka, and I am a Tribal Council member for the Confederated Tribes of the Warm Springs Reservation of Oregon. For the Warm Springs, I offer the following recommendations for FY 2017 Bureau of Indian Affairs and IHS budgets.

- 1) BIA Forestry; Oppose “flatlining” in FY17 budget justification; request a \$25 million increase, to \$77.2 million**
- 2) Indian Health Service: Support \$377 million increase, request \$1.9 million to fund the Warm Springs Joint Venture.**
- 3) Public Safety – Detention Facilities**
- 4) Bureau of Indian Education: Support \$3.755 million increase in Johnson-O’Malley grants**
- 5) Alignment with testimony of Columbia River Intertribal Fish Commission and Intertribal Timber Council.**

Chairman Calvert, and Ranking Member McCollum: Our people are the Warm Springs, Wasco and Paiute tribes. Our 640,000 acre Reservation in central Oregon ranges from the snow-capped Mt. Jefferson to the salmon-bearing Deschutes River; with forests, farmland and high desert between.

The vast majority of our tribal members live on the Reservation, where we are suffering from dramatically high unemployment. A recent study ranked the town of Warm Springs as having the second highest incidence of poverty in Oregon. Putting our people to work and providing basic social services –especially health care and education -- for our members is extremely challenging at Warm Springs. Possibly more challenging than anywhere in Indian Country, or the nation at large.

Our federal appropriations priorities reflect the circumstances we face, and I deeply appreciate your invitation to speak before you today.

**BIA Forestry:** Warm Springs is home to one of the largest tribal forests in the country. Management of our forests has traditionally employed tribal members at our lumber mill, which is one of four tribal mills still operating in the U.S. One of the greatest threats and

costs we face come from wildfire. Last year, about 70,000 acres burned at Warm Springs, destroying over \$1 million worth of timber. This is not unusual. We are surrounded by Forest Service land and many fires start on their land and burn onto ours. This has destroyed timber that should be feeding our lumber mill. It has also burned areas that the Tribe has set aside for carbon sequestration projects.

Forestry, logging and our lumber mill are primary sources of employment for our Tribe. Those jobs are crucial for the stability of our community and the health of our people. We are grateful that Congress has provided small increases to BIA Forestry in the last couple of years. We are concerned, however, that funding trends are not meeting the dire needs on the ground.

We are dismayed that the Administration proposes to “flatline” BIA Forestry this year. I urge you to increase the Forestry account by \$25 million, which would bring the total to \$77 million. This would only address a quarter of the \$100 million shortfall facing Indian forestry. In fact, Indian forests are only funded at one-third the level of the U.S. Forest Service.

As a tribe that faces wildfires every summer, we are also concerned with the direction of fire management and post-fire recovery. The Interior Department is considering changes to the distribution of wildfire suppression funds that could disadvantage Indian lands against other Interior departments. I ask that this Committee direct the Department to conduct more meaningful consultation with Tribes and to better prioritize its trust responsibility for Indian forest lands.

Likewise, Warm Springs and other timber tribes are facing challenges after fires to recover value from dead wood and rehabilitate the land. Last year, more acres of Indian forests burned than ever before – consuming over \$200 million worth of timber. Tribes asked Congress for \$15 million for post-fire recovery efforts last year. \$2 million was appropriated, which means that we will not be able to accomplish all the work we need to, or as quickly as we should.

If this trend continues, the costs will only increase as forests grow unhealthy and fires become more destructive.

#### **Indian Health Service:**

Joint Venture: In 1992 Congress authorized a Joint Venture agreement between the IHS and Warm Springs. The Tribe financed construction of a new clinic and the IHS agreed to fully fund and staff the facility. Unfortunately, federal funding has been far short of its commitment. The Warm Springs support the proposed \$377.4 million above the FY 2016 Enacted level of \$4.808 billion for IHS. Within this increase, the Warm Springs request a \$1.9 million increase in funding for IHS Hospitals and Clinics to provide full direct services for the Warm Springs Joint Venture. We request full restoration of funding for Community Health programs.

### **Public Safety – Detention Facilities**

The Warm Springs Detention Center is owned by the BIA. It was upgraded in response to a lawsuit from the U.S. Department of Justice. The useful life of that facility upgrade has exceeded the twenty-five year expectancy and the facility has once again fallen into serious disrepair, community justice and safety cannot be assured nor can inmate life, health and safety be protected. Additionally, the BIA has forbidden its use for housing juvenile offenders which has resulted in having to contract with costly off-reservation juvenile detention facilities and services for criminal acts. The facility replacement and cost must be addressed as a joint obligation of the Bureau of Indian Affairs' Office of Law Enforcement Services and the collateral entities of the U.S. Department of Justice.

### **Bureau of Indian Education: Support \$3.755 million increase in Johnson-O'Malley grants**

In 1960, Warm Springs entered into a partnership with the State of Oregon and the local school district to provide our students with a better K-8 education. Since that time, Johnson-O'Malley has provided partial but critical funding to support our students in the local school district.

Jefferson County schools, which serves students who live on or near the Warm Springs reservation, has the most Native American students out of any district statewide. About 35 percent of its 950 Native students missed too much school last year. Our old on-reservation school was categorized as a "priority school," which means it was one of the lowest-performing schools in Oregon.

In 2014, Warm Springs partnered with the Jefferson County School District to construct a \$21.4 million public K-8 school on our Reservation, replacing the old, smaller school. Our aim is to increase performance of our students at the new school and Johnson-O'Malley funds are critical to maintaining vital school programs. Warm Springs supports the Administration's proposed increase.

**Alignment with testimony of Columbia River Intertribal Fish Commission and Intertribal Timber Council:** As a founding and current member of both CRITFC and ITC, Warm Springs supports the appropriations requests being made by both organizations.

Mr. CALVERT. Thank you for your testimony. I appreciate it.

Ms. Sharp, you brought up something I am interested in because I remember reading an article about this some time ago. Being from California, I am sensitive about earthquakes. Of course, we always think California is the most earthquake-prone area in the country. I read that, actually, it is the Pacific Northwest, as far as a potential catastrophic earthquake.

Ms. SHARP. Yes.

Mr. CALVERT. There was one there several hundred years ago that literally sank the entire region.

Ms. SHARP. That is correct.

Mr. CALVERT. I guess most scientists believe that will sometime in the future—next week or 10,000 years from now—happen again. So warning systems are extremely important.

So I was wondering, in that coastal area, do you have any kind of warning systems at all?

Ms. SHARP. We do have a few warning systems. We have both onshore and offshore warning systems.

But to really prepare, we were very grateful for Congressman Kilmer's Tribal Coastal Resiliency Act, which will allow us to directly engage with the United States in preventative measures, so that we can be prepared in advance. I think it would be much cheaper to make that investment on the frontend than dealing with the aftermath of a major natural disaster.

I think you might be speaking of the New Yorker article that appeared last year. It raised a number of issues and concerns throughout the country. We are incredibly vulnerable to not only the large-scale earthquake. The village relocation site that we have identified would sustain the Quinault people at a 9.5 mega-earthquake. We too agree it is not a question of if but when that will happen.

Mr. CALVERT. Thank you.

Another issue that was brought up was pollutants. I am wondering how much our friends in the north, the Canadians, are adding to this problem. Are you getting any of that problem from our good friends up in Vancouver and up north?

Mr. BALLEW. Since the last closure in the 1990s, there has been a very extensive effort of water testing and water quality sampling throughout the basin of the Nooksack River, where our problems and concerns lie.

A definite challenge is differentiating exactly where the fecal coliform is coming from. But there is a correlation between the decreased regulation of dairy farms and increased level of fecal coliform levels in the water testing. Correlation is hard to pinpoint, where the causation is coming from.

I do know that some of the community and some of the folks in the dairy community say it is coming from the Canadians and Canadian geese, but I honestly do not believe that it is all coming from there. It is a community problem, and it needs a community solution.

Mr. CALVERT. Okay.

Mr. PETERS. Yes, it is a problem, over in Vancouver Island, them pumping out raw sewage into the Strait of Juan de Fuca.

Mr. CALVERT. Is it true, that Canadians, do not even have secondary treatment?

Mr. PETERS. No.

Mr. CALVERT. They just take the raw sewage and dump it right into the—ocean.

Mr. PETERS. Yes. So the State of Washington has been trying to do that. I think the Federal Government has been taking notice with the EPA, trying to get them to fix that issue.

Also, it is not just there. The Columbia River flowing out of Canada, a lot of toxins coming out of there. The Columbia River also has I think some of the highest fish advisory warnings on that system.

But in Puget Sound, in general, it is our own water quality standards that we have authority to set that is a continued type of thing. The tribes have been working with the Department of Ecology within Washington State and EPA to get this thing done for over 10 years, 20 years, something like that.

I have been working on this personally for probably over 20 years with the Squaxin Island Tribe, when signs started to be put up on shorelines about not eating shellfish and bottom fish.

We almost had it there a couple years ago. We had some industry come in and make a stink about it, and so then that was delayed. We finally had EPA come in and promulgate a rule, because the State of Washington just could not do it, either politically or was not able to do it. We were working with the State for a long time. Thought we had something in hand, but was not able to do that.

So we are still right there, dealing with that whole water quality issue, not just with Canada but with industry within our own State. We are hoping that EPA promulgates their rule and allows the State of Washington to continue to work on their rule to get it right.

So that is where we are at. We are trying to clean up the waters, not pollute more.

Mr. CALVERT. Thank you.

Mr. Danzuka, the lowest graduation rates in the United States?

Mr. DANZUKA. That is correct.

Mr. CALVERT. I am kind of shocked. We deal with tribes all over the country, not just tribes, but the entire country. I did not know that. We will have to take a close look at that.

What is the primary causation of that?

Mr. DANZUKA. So I would say, just in my opinion, it seems like we have shifted. From the time I was in school in the 1980s, we had a lot of vocational classes, a lot of classes that you could utilize afterward, forestry, woods, welding, things like that. Since the curriculum has changed, I have seen a lot more dropouts and a lot fewer graduations.

I think it is because a lot of them come to the realization that they are not going to continue on after high school to college, to higher education. So I have seen a lot more dropouts because there is no reason to finish your degree. If you do not intend to go to college, there is no reason to get that diploma.

So that is what I have seen.

Mr. CALVERT. Is there a greater need for some type of—they do not call it vocational anymore. They call it something else. But to teach computers, technical?

Mr. DANZUKA. Yes, that is what we believe.

Mr. CALVERT. Jobs people can get into right after high school?

Mr. DANZUKA. Right. We are working with our local district. Actually, we just met with some State representatives just last week, and we are talking about trying to figure out ways to shift some of our tribal classes also into the curriculum, teaching about our Constitution and bylaws, our treaty, some language classes, things like that.

Currently, we have classes that they can take in high school, but they do not receive credit for it. They can take a Spanish class and get credit for it, but we give some of our tribal classes and could not give credits for those.

So we are working with the district. I think we are going to start making headway soon.

Mr. CALVERT. Yes, thank you.

Mr. Kilmer.

Mr. KILMER. Thanks, Mr. Chairman.

I just again want to express my gratitude to all the tribal leaders for being here.

I know time is short, so the one comment or question I wanted to raise was with President Sharp.

This last weekend, in our neck of the woods, we had pretty massive storms. Our power went out and there were all sorts of trees falling. I remember saying to my wife, I am really worried about the tribes and other communities on the coast right now.

You mentioned that you have had two states of emergency just in the last year, and that is without an earthquake, that is without a tsunami. That is just with the regular severe storms that we are having.

So just to paint a picture for the committee, of your lower reservation, can you talk about how close housing is to the ocean? I think when you are there and you see it, it is worth 1,000 words, but can you just describe how close that is?

Ms. SHARP. Yes, actually, thank you. I really appreciate the question.

We have a front street that is located right along the seawall. A tribal elder who is in his 90s and up until last year continued to fish on the Quinault River, his house, the back part of the house, is maybe 10 feet to 20 feet from the seawall. It is that close.

The one state of emergency that I had to declare 2 years ago in 2014 was the result of a tribal elder calling to tell me that his smokehouse had been taken out of the backyard. The ocean was that close.

Elders living today recall during their lifetime there was the size of a football field beach off of the seawall. Now the ocean is right up to the seawall and encroaching over the seawall.

As I mentioned, last year, there was an entire lake-type of filling to our ballfield that came right up to the courthouse, our jail facility, the store, the gas station. So we are incredibly vulnerable right now, even with just a storm surge.

Mr. KILMER. Thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you. We certainly thank this panel. Any additional thoughts or correspondence, I know time is short, but please get it to us as we continue in this process.

Thank you. Have a great day.

Next is Carolyn Lubenau, chairwoman of the Snoqualmie Tribe; Ron Allen, chairman and CEO of the Jamestown S'Klallam Tribe; Ron Allen—we are going to have twice, he is also representing the—U.S. Section of the Pacific Salmon Commission; and Joseph Pavel, a vice chairman of the Skokomish Tribe of Washington State.

You are busy, Mr. Allen. You have two hats on today.

Mr. ALLEN. Yes, I do.

Mr. CALVERT. Well, we appreciate you coming today.

With that, we will first recognize Ms. Lubenau.

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THURSDAY, MARCH 17, 2016.

## **SNOQUALMIE TRIBE**

### **WITNESS**

#### **CAROLYN LUBENAU, CHAIRWOMAN, SNOQUALMIE TRIBE**

Ms. LUBENAU. Good morning, Mr. Chairman, and distinguished subcommittee members. Thank you for the opportunity to testify here today. It is truly an honor and privilege. Thank you.

My name is Carolyn Lubenau. I am the elected chairwoman of the Snoqualmie Indian Tribe. I have a written testimony that I have submitted here today, but I want to give you some of my personal history and tell you why I am here.

I have been to Gettysburg and stood at the same place where President Lincoln stood in 1863 to dedicate a portion of that field as a final resting place for those who here gave their lives. He went on to say, "It is altogether fitting and proper that we should do this."

I have been to the Arlington National Cemetery, the home of heroes. One of the first things you see when you enter there is a plain white notice with the following message: "Welcome to Arlington National Cemetery, our Nation's most sacred shrine. Please conduct yourself with dignity and respect at all times. These are hallowed grounds."

In an essay by Iza Hardy, he expresses his thoughts when he first saw the cemetery, and I quote, "Up the hillside, by thousands and tens of thousands, stretch the long regular lines of tombstones. Here, line by line, in rank and file, at peace beyond the battle, lies the silent army now."

My great grandmother was born in 1890, just 20 years after the Indian wars in the Pacific Northwest were over. She used to take me to the place of our creation story, the Snoqualmie Falls just 30 miles east of Seattle.

She would tell me that this is where the first man and first woman were created by Moon the Transformer. When she went there as a little girl, she said the Earth shook with the power of the falls and the ancestors.

In 1898, all of that changed when a hydroelectric power plant was built at the falls that reined in that power. The Earth no longer shakes there. Now you must listen carefully for the songs and the prayers of our ancestors, which were once strong and powerful.

On the ridges on both sides of Snoqualmie Falls, our great chiefs, subchiefs, and ancestors are buried there, overlooking the place of our creation, overlooking their most sacred site. They rest up the hillsides. These are our heroes. This is our hallowed ground.

In 2009, Snoqualmie Falls was listed on the National Register of Historic Places. Five years later in 2014, Arlington National Cemetery was listed there as well, another shared history.

We have a shared history, and yet we do not have a shared respect for what is sacred.

There is a Civil War Trust whose mission is to save Civil War battlefields, which according to a study done by the U.S. Congress, and I quote, "Fully 20 percent of the hallowed ground of the Civil War has already been destroyed forever, covered by roads, housing developments, and other inappropriate development."

I am here today to urge you to find a way to protect our hallowed grounds, to save it from inappropriate development.

Last year when I testified, it was to try to save our sacred Snoqualmie Falls from a road development that we were unable to stop. This year, our sacred burial grounds are being threatened by a large housing development to be developed over the bones of our ancestors.

Congress initiated the study to show that 20 percent of the hallowed ground of the Civil War battlefields has been lost to development forever while Native nations across the United States are fighting to save less than a fraction of a percent of what we have left of our hallowed grounds.

We are not fighting to save battlefields, which would spread across the United States. We are fighting to protect our ancestors', our heroes', our warriors' final resting places, our sacred sites.

My request to you today is that you partner with us in preserving the Snoqualmie Falls and the area around the falls by helping us to protect the land from further development.

Snoqualmie Falls was created to enrich our spirits and fill us with hope. We invite you to experience this marvelous gift and for you to come to the falls to feel the healing mists. You will experience a place of immense power, a place as sacred and moving as any site on Earth.

Please remember this is my nation's most sacred grounds, our hallowed grounds, and we must protect it. As President Lincoln said just over 150 years ago, "It is altogether fitting and proper that we should do this."

I want to thank you for the time today for testifying to this panel. Thank you.

[The information follows:]



**Testimony of the Snoqualmie Indian Tribe**  
**Chairwoman Carolyn A. Lubenau**  
**Before the U.S. House Appropriations Subcommittee on Interior and Related Agencies**  
**March 17<sup>th</sup>, 2016**

**Introduction**

Good morning Mr. Chairman, Madam Ranking Member and distinguished Subcommittee members, thank you for the opportunity to testify here today, it is truly an honor and privilege.

My name is Carolyn Lubenau and I am the elected Chairwoman of the Snoqualmie Indian Tribe. We are the original inhabitants of Washington's Salish Sea, which is referred to as Puget Sound. We lived along the rivers, on the prairies above the rivers, along the lakes and streams, drawing our food and spiritual strength from the bounty that was set before us. We are one of the signatories to the Point Elliot Treaty of 1855. We are known as the "Fierce Fighters" and "People of the Moon". At the time of signing the Treaty, we were the largest Tribe in Washington Territory and today we are under 650 tribal members.

Last year I gave testimony to this Subcommittee about the Snoqualmie Indian Tribe's most sacred place -- Snoqualmie Falls. I'm here to update you on the continued threats and devastation happening in this sacred area. Snoqualmie Falls is where my people draw our strength, our faith, our healing, and our hopes from. A place that has existed since time immemorial, where my Tribe has gathered in times of celebration, in times of sharing, and in times of grief. Our Sacred Snoqualmie Falls, where I was taken as a child with my Great-Grandmother, my Grandmother, my Uncles and Aunties, and where my mother taught me how to pray.

**Snoqualmie Indian Tribe Creation Story**

Any time we talk about the Falls we need to remember that this is the Snoqualmie Indian Tribe's place of creation. Our creation story tells how the first man and woman were created by Moon the Transformer. Moon the Transformer was the son of one of two Sisters who was married to a star. It was Moon the Transformer who created our Sacred Snoqualmie Falls. The mists rising from the powerful cascading waters were created so our prayers could be carried by the mists up to the Creator. The Falls and the area around the Falls have always been used as ceremonial grounds and the surrounding areas are our burial sites where souls are returned to the Creator and reside forever in our memories. The spirit of the Snoqualmie Falls is there to strengthen, heal and renew us. The Falls are the center of who we are as a people.



### **Background**

Snoqualmie Falls is a 268 foot waterfall located 30 miles east of Seattle. It is listed on the National Register of Historic Places as a Traditional Cultural Property (TCP). My Tribe holds the Falls sacred and we continue in an ongoing effort to protect the Falls and the surrounding area from the destruction that further development would cause to our sacred site and the practice of our religion.

My Great-Grandmother would tell us of her childhood and going to the Falls. She would describe the way the earth shook with the power of the Falls, where the mists were so heavy she thought they could carry her to the stars above with their power. Over the years, that power and those mists have been reduced to a mere shadow of what they were in her day. The earth no longer shakes there, the mists are just a light veil, they have been restrained and their power harnessed for the sole purpose of producing an insignificant amount of electrical power.

The development of the Snoqualmie Falls began in 1898 when the Puget Sound Power & Light Company built a hydroelectric generating plant at the Falls. In order to make this plant, the company blasted the fall of the Falls and excavated an underground cavern. In 1957 they built yet another power plant below the Falls. This development has reduced the massive, awe-inspiring flow from my Grandmother's days to a mere trickle. Today, our sacred site is suffering from devastation and desecration, and in imminent danger of further development.

### **Tokol Roundabout Project**

One year ago I testified here, before this Subcommittee, to ask Congress and the members of this committee for their assistance in ensuring the federal government carry out its Trust responsibility by helping the Snoqualmie Indian Tribe to protect Snoqualmie Falls. At that time we were trying to halt the construction of the Tokol Roundabout, a project that the City of Snoqualmie misrepresented as a "safety project."

The Tribe fought this project for years and consulted under Section 106 with the Army Corp of Engineers, who determined that the project would have an "Adverse Effect" on my Tribe. Despite this determination, and after an extremely poor and unsatisfactory consultation effort by the Army Corps with my Tribe, the Army Corps determined that the Section 106 consultation was complete, and they issued the Nationwide Permit for the project, allowing the City of Snoqualmie to proceed. My experience with the Corps has shown me they are completely insensitive to Native American history, culture and religion.

The City of Snoqualmie broke ground on the Tokol Roundabout this past July. Since then, my Tribe has watched the sacred ground be disturbed and ripped apart as construction crews have injured the land, creating an enormous physical and spiritual wound.



During construction, equipment and crews unearthed a 9000-year-old ancient projectile point. Following the discovery, my Tribe was initially denied access to the site for weeks by the City of Snoqualmie. Despite this discovery, the destruction of our sacred land continued, and now the large roundabout will be open to traffic later this spring.

### **Future Development**

Prior to the approval of the permit for the roundabout, the City of Snoqualmie Mayor Matt Larson firmly denied that this project was intended to pave the way for future development. However, since the issuance of the permit from the Army Corps, he has publically stated on multiple occasions that the roundabout is the City's first step as a part of a long-term plan to bring more development to the area. There are plans to bulldoze, pave over, and develop these ancient burial grounds near Snoqualmie Falls into yet another commercial and residential subdivision with a hotel, convention center, and nearly 200 homes. These development plans threaten my Tribe's use of the Falls for cultural and spiritual needs and are deeply disrespectful of the sacred Falls that form the very core of who we are as a people.

My Tribe believes that once people know the facts about this project they will speak out against it. We have continued the work passed down to us by our ancestors to protect Snoqualmie Falls by educating the public about the irresponsible development that has been proposed for this sacred land. We have gained thousands of supporters who agree that this project should not go forward. People all across Washington State and beyond agree that the bulldozing of sacred Snoqualmie Indian burial lands has to stop.

The City of Snoqualmie has twice scheduled public hearings to solicit comment on the project. Both times, just days before the hearings, the City has cancelled those opportunities for the Tribe and members of the community to voice their strong opposition to the project. My Tribe supports responsible development; however developing on a sacred site is incomprehensible and irresponsible.

### **Preservation of the Snoqualmie Falls**

I am here today to ask Congress and the members of this Committee for their assistance in ensuring the federal government carry out its Trust responsibility. The religious and cultural practices of my Tribe are at stake. The Falls are the birthplace of our creation story and the bones of our ancestors are buried on that sacred land. It is our most sacred duty, honor and responsibility to protect them and the Snoqualmie Falls.

My request to you today is that you partner with us in preserving the Snoqualmie Falls and the area around the Falls by helping us to protect the land from further development. We will do everything in our power to fight this development and protect our Sacred Snoqualmie Falls.



Snoqualmie Falls is one of the greatest gifts from Moon the Transformer, created to enrich our spirits and fill us with hope. We invite you to experience this marvelous gift and for you to come to the Falls to feel the healing mists. You will experience a place of immense power, beauty and grandeur, a place as sacred and moving as any site on earth. A place that must be protected. Thank you for this opportunity to share such an important part of myself and my Tribe with you.

Mr. CALVERT. Thank you. Thank you for your testimony. Very good.

Mr. Allen.

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THURSDAY, MARCH 17, 2016.

**JAMESTOWN S'KLALLAM TRIBE**

**WITNESS**

**W. RON ALLEN, CHAIRMAN AND CEO, JAMESTOWN S'KLALLAM TRIBE**

Mr. ALLEN. Thank you, Mr. Chairman.

Again, Ron Allen. I am the chairman for the Jamestown S'Klallam Tribe. I am also from the Pacific Northwest.

So I am here to testify on two particular areas, one for my tribe and their various issues of concern for my tribe. But I am also here testifying on behalf of the 25 tribes that are part of the U.S.-Canada Pacific Salmon Treaty that manages all the species of salmon from Alaska to the upper reaches of Columbia River to Idaho.

So without a doubt, all the testimony you heard about the importance of salmon and the natural resources of the Northwest is a big deal to the Northwest communities.

I appreciate you accepting our testimony on identifying the different issues that are important to us. I also co-chair the Tribal-Interior Budget Advisory Council, and the tribes come together with regard to our collective recommendations to the administration in terms of the many issues that we have.

It is an interesting experience because you have to do there what you do up here, which is find that balance of all the many needs of our communities. So you hear about lots and lots of issues and needs of a community, from education needs, natural resource management issues, and tribal governance matters, on down to economic development.

So what I want to share with you, you have my testimony, so you can see the issues that we are trying to advocate for our tribe. But what I would like you to consider, as you and the committee are deliberating on where those priorities are for Indian country, having been a part of the budget process for almost 40 years now, I have observed how the Federal Government has tried to live up to its commitment to the tribes through treaty obligations, statutory applications, et cetera. And it is challenging, to say the obvious. The Bureau of Indian Affairs, you are dealing with maybe \$2.5 billion to \$3 billion. Over in IHSI, another \$5 billion. I know you heard the testimony that the need of Indian country is 10 times that. It could be even more.

So the question of the day is, what do we do to help tribes resolve those problems? So when you talk about substance abuse issues, or educational needs of our communities, taking care of our elders and senior citizens, helping our youth have a better lifestyle, creating better job opportunities, what is the answer?

So when you think about it, it is economic development. So when you think about the unmet need for Indian country, the Federal Government, as much as it would like to, cannot fulfill that gap.

You cannot get there. You will never be able to get there in any of our children's children's lifetimes.

So what is the answer? The answer, in my judgment, is always about how to help tribes become more self-reliant, how to help us with our business capacities and strengthen our business capacities to generate the unrestricted revenues that will fulfill those unmet needs.

That is how you are going to get there. That is how we are going to get there.

Quite frankly, it is better. It is a better way to resolve that problem.

As you well know, and you probably hear numerous testimony with regard to how challenging it is with regard to Federal resources and obligations of Federal resources, when you have your own money, you do not have those problems. You do not have those restrictions. You use those monies as you best will fulfill your community's needs.

So the BIA is trying to move in that direction. They are trying to update the Indian trade law. The Indian trade law passed in 1795. It has not been updated since 1957 with regard to what is the taxation status of tribal governments and our reservations, our trust lands, that we basically advance our economic development.

So tax parity, the laws that you guys are considering up here, those are the kinds of things that would help us. Being supportive of the bureau as it updates regulations of the existing laws right now helps strengthen our ability to move forward.

So as you look at the budget, how do we strengthen our economies? How do we strengthen our ability to get better businesses? Well, infrastructure.

Roads improvement is a big deal, in terms of just getting access for transportation. The Internet systems, having capacity for telecommunication capacity is a big deal in our communities, because of the changing markets, et cetera.

There is a lot to it. The loan guarantee program, whether it is a ma-and-pa grocery store that you are trying to establish or whether it is some other kind of business, those are the things that can help us become more self-reliant and solve some of those problems.

So I just want to advocate those kinds of things that are inside the budget that will help strengthen our governmental capacity and strengthen our business capacity.

[The information follows:]



**HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
"2017 APPROPRIATIONS TESTIMONY FOR BIA AND IHS"**

Thursday, March 17, 2016

Written Testimony of

**THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO  
JAMESTOWN S'KLALLAM TRIBE**

On behalf of the Jamestown S'Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2017 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. A fundamental goal for our Tribe is achieving economic self-sufficiency/self-reliance through opportunities that enable us to generate our own unrestricted revenues to address the unmet needs of our community. In order to achieve this goal, we need to be treated on par with state and local governments with respect to revenue raising authority. The continued proliferation of state and local taxes on sales, personal property and transactions (including resource extraction) within Indian reservations has a direct negative impact on the self-sufficiency of Indian Tribes and Tribal governments, and an indirect and equally negative impact on Federal programs and appropriations. When Tribes are allowed to conduct activities on their own land subject only to their own taxes and regulations, Tribal governments are able to fund their own programs and Indian reservation economies can flourish.

***Tribal Specific Appropriation Priorities***

1. Waste Water System \$8.3 million
2. Tribal Courts TPA \$20,000
3. BIA Road Maintenance \$1.5 million

**\$8.3 million - Waste Water System** - In order to engage in economic development and expand our Tribal business portfolio, the Tribe needs to invest in a waste water system. Our Tribal government cannot operate without adequate infrastructure and clean water. After years of careful planning and research, we have entered into a partnership with the City of Sequim to connect Tribal businesses and governmental facilities in Blyn to the City of Sequim Wastewater Treatment Plant. The installation of the project pipeline is approximately \$8.3 million with environmental and economic benefits to all.

**\$20,000 - Tribal Courts TPA** - Tribes cannot operate police departments and court systems on grant funding. Stable funding for Tribal courts is a prerequisite to ensure a safe, healthy and thriving Tribal community. Although Congress and the Administration have taken steps in recent years to try and address some of these concerns through the passage of the Tribal Law and Order Act (TLOA) of 2010 and the Reauthorization of the Violence Against Women Act (VAWA) of 2013, significant funding is needed in order to implement these new authorities to address the crisis level need in Indian country and elevate the safety and wellness of our Tribal citizens and communities.

Testimony of W. Ron Allen, Tribal Chairman/CEO  
 Jamestown S'Klallam Tribe  
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**\$1.5 million - BIA Road Maintenance** - Federal Appropriations for the BIA Road Maintenance Program has averaged only \$24.3 million annually for a number of years. However, a recent analysis completed by the BIA and Tribal representatives determined that the documented deferred road maintenance backlog is at \$203 million above FY2015 enacted funding levels. Substantial investment in Tribal transportation is primarily needed to ensure the safety of all persons who traverse these roads, Native and non-Native alike. Deteriorated roads are not only a health risk, they hinder governmental services, impede economic development and make getting to health clinics, schools, stores and employment centers more difficult. The Tribe plans to use transportation/road maintenance funding to complete a road safety project that is desperately needed on a very busy and well-traveled area of state highway that runs through our Tribal reservation campus. In summer months, traffic on the highway substantially increases due to a surge in tourism, which supports both Tribal and county economies.

**National Requests and Recommendations:** The Jamestown S'Klallam Tribe continues to support the requests and recommendations of the **National Congress of American Indians** and the **National Indian Health Board**.

***National Requests and Recommendations***

***BIA and IHS:***

1. Contract Support Costs Mandatory Funding \$800 million for IHS & \$278 million for BIA
2. Hold Indian Country Programs Harmless from Budgetary Reductions, Rescissions and Sequestration

**Contract Support Costs Mandatory Funding** - The Tribe appreciates the bipartisan support of the Interior Appropriations Subcommittees for full funding of Contract Support Costs (CSC). Funding of CSC in FY2016 at an indefinite amount, helped to ensure that critical programmatic services were not abrogated in order to cover the CSC need. The Tribe maintains that the indefinite appropriation of CSC funding must be made mandatory and permanent. We thus support the Administration's proposal to move CSC funding to a mandatory funding basis, although, we would like it to begin in FY2017 rather than in FY2018. Should CSC funding not be made mandatory in FY2017, we otherwise are supportive of the President's request for an appropriation of "such sums as may be necessary," with an estimated \$800 million for CSC for IHS, and an estimated \$278 million for the BIA, in separate accounts in both the IHS and BIA discretionary budgets. However, we do not agree with the continued insertion of a proviso that could effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. For FY2017 and thereafter, we thus request the removal of the following proviso: "amounts obligated but not expended by a Tribe or Tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years."

**Hold Indian Country Programs Harmless from Budgetary Reductions, Rescissions and Sequestration** - Decades of unfulfilled Federal obligations has devastated Tribal communities who continue to face persistent shortfalls and overwhelming unmet needs. Until Tribes attain exclusive taxing jurisdiction within their Tribal lands, Federal support remains critical to ensure the delivery of essential governmental services to our Tribal citizens. The Federal trust

Testimony of W. Ron Allen, Tribal Chairman/CEO  
 Jamestown S'Klallam Tribe  
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obligation must be honored and vital programs and services for Tribes must be sustained and held harmless in any budgetary deal enacted to reduce the national deficit.

***BIA Requests:***

1. Self-Governance Compacts \$171,468
2. Economic Development TPA \$200,000
3. Natural Resources TPA \$611,319
4. Indian Guaranteed Loan Program \$12.6 million

**\$171,468 - Self-Governance Compacts** - Tribal Self-Governance is the most successful policy in the history of Tribal-Federal relations because it stimulates efficient and effective government spending. Increases to Self-Governance Tribal Base Budgets will allow Tribes to fund core Tribal government programs such as community development, economic development, healthcare, and community safety. Funding Self-Governance not only fulfills the Federal Treaty and Trust Obligation, it positively impacts the surrounding regional economies.

**\$200,000 - Economic Development (TPA)** - Tribal governmental revenues depend entirely on effective economic development to support nearly every aspect of reservation life and Tribal governance. Chronic underfunding and the severe lack of private investment have left the economic potential of Indian country unrealized. Tribes are forced to rely on their own economic ventures to generate revenue to support programs and services for Tribal citizens. Yet, Tribes are expected to meet these economic challenges with fewer resources and greater restrictions placed on vital economic financing tools and incentives that are easily accessible and lucrative to other governments. Increased funding for Economic Development will allow us to continue to diversify our successful business portfolio and expand our revenue generating opportunities.

**\$611,319 - Natural Resources (TPA)** - In the Northwest, degradation of the environment is occurring faster than ever before. Climate change is having profound impacts on Tribal people and Tribal Treaty Rights are at risk. The Jamestown Natural Resource Department is charged with the responsibility to manage, protect, conserve, and nurture the Point-No-Point Treaty rights in our usual and accustomed areas for Tribal citizens and future Tribal descendants. The Federal investment in Tribal Natural Resources will foster Tribal self-sufficiency and support Tribal economies through the creation of jobs, the promotion of cultural vitality, religious practices, community cohesiveness, improve the environmental conditions on our Tribal homelands and in surrounding communities, and foster cross-jurisdictional partnerships between our Tribe and the local and state governments.

**\$12.6 million- Indian Guaranteed Loan Program** - The Federal government is in a unique position to help advance Tribal projects and provide sustainable economic opportunities for Indian businesses and Tribal governments through the Indian Loan Guarantee Program. The program provides attractive incentives for financial institutions to expand their services by underwriting loans in Indian country, provides Tribes and their citizens' access to capital, and promotes Tribal economies by encouraging lending to Indian-owned businesses. Loan guarantees are an attractive financial tool because Tribes are able to leverage limited Federal funding in and promote economic growth by investing in projects that are capable of generating their own revenue streams. The program, however, has been consistently targeted for cuts

Testimony of W. Ron Allen, Tribal Chairman/CEO  
 Jamestown S'Klallam Tribe  
 March 17, 2016

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despite its positive return on the Federal investment. If not for the Loan Guarantee Program, many Tribes would be unable to secure loans from standard sources that are available to other entities and businesses. Federal credit programs should facilitate Tribal access to private capital markets where Tribes frequently encounter market resistance to conventional lending.

***IHS Requests:***

1. Support Advanced Appropriations for IHS
2. Fully Fund the Indian Healthcare Improvement Act Provisions in the ACA
3. Increase Funding for Purchased and Referred Care \$562.2 million

**Support Advanced Appropriations for IHS** -The Interior, Environment and Related Agencies Appropriations Bill, which includes funding for IHS, has not been enacted in a timely manner for the past twenty years, creating significant challenges to Tribes' ability to provide critical healthcare services to their Tribal citizens. When it comes to IHS funding, delays could mean the loss of life. Late funding not only affects quality of care, it constrains Tribal healthcare providers' ability to plan, budget, recruit and retain staff, and construct and maintain facilities. Tribal healthcare programs should be funded similarly to every other government health program in this country either through mandatory funding or advanced appropriations. Providing predictable, timely and sufficient funding will ensure the Federal government is upholding its trust responsibility to American Indians and Alaska Natives.

**Fully Fund the IHCA Provisions in the ACA** – Although the IHCA provides the authority and, with it, the opportunity to provide essential health care to Tribal citizens, it did not provide the necessary funds to the IHS to carry out these new statutory obligations. There are twenty three unfunded provisions in the Indian Health Care Improvement Act (IHCA). Many of the provisions that remain unfunded would strengthen the Tribal health care workforce, provide greater access to behavioral health and support innovative initiatives for healthcare delivery to Tribal citizens. Funding these provisions is a necessary precursor to increase Tribal capacity, infrastructure and most importantly access to health care services. Significant Federal investment is needed to achieve a fully funded Indian Health Service and now is the time to act on opportunities made possible in the newly expanded authorities granted under the Indian Health Care Improvement Act.

**\$562.2 million - Purchased and Referred Care** - Most IHS and Tribal operated direct care facilities do not provide the required emergency and specialty care services so Tribes are forced to turn to the private sector to fulfill this need. CHS funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition and pharmacy services.

**Local/Regional Requests and Recommendations** - The Jamestown S'Klallam Tribe support the requests and recommendations of the **Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board, and the Northwest Indian Fisheries Commission.**

I would like to extend my thanks to the Subcommittee for an opportunity to submit testimony on the FY2017 Appropriations.

THURSDAY, MARCH 17, 2016.

**UNITED STATES SECTION OF THE PACIFIC SALMON  
COMMISSION**

**WITNESS**

**W. RON ALLEN, CHAIRMAN, UNITED STATES SECTION OF THE PACIFIC  
SALMON COMMISSION**

Mr. ALLEN. If I might pause and switch quickly to the U.S.-Canada process, that is a complicated forum. It is a complicated process, in terms of managing these fisheries.

The 25 tribes that are participating, our treaties are inside of this international treaty. That is why we have a seat at the table.

So as you are managing different stocks, meaning chinook, chum, coho, and sockeye, the complexity of making sure that they are managed well, so that they are sustainable, is a big deal. Quite frankly, the tribes are very, very active in that forum. We are a big player in that forum. We have phenomenal expertise in it, often leading the way. We work with the Federal Government, NOAA, NMFS, and those guys. And we work with the States, Washington, Oregon, Idaho, and Alaska.

So we have to make sure that we are being treated fairly, because that is an important resource for us, and we want to manage it well.

So as you look at that international treaty, to implement it, the State Department contributes some, Commerce contributes some, mostly for the States, but then so does Interior. Interior does for the tribes, primarily. Now there is money in there for Fish and Wildlife. They have a small role.

But the bigger role are the tribes themselves. So the 25 tribes who participate, and one of them is in Alaska, Metlakatla Tribe, we have to be able to make sure that our interests are being protected.

We are in the middle of renegotiating it. It is renegotiated every 10 years, and we are in the middle of renegotiating the treaty itself, actually, an annex of the treaty in terms of how you are going to be implementing it. We continue to improve it.

So our resources are used to be able to be in the room at the table, both as a policy matter and also as a technical matter. So those are the kind of resources that are in our testimony, asking for that kind of assistance.

It is in the rights protection line item inside of Interior, and it is a big deal to us.

So I will close with that. You have been very supportive in the past. And it is getting more and more complicated, and we want to make sure that our interests are being protected.

So thank you, Mr. Chairman.

[The information follows:]

U.S. Commissioners  
Phil Anderson  
McCoy Outman  
Charles Swanton  
Robert Turner

**UNITED STATES SECTION  
of the  
PACIFIC SALMON COMMISSION**

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**Statement Submitted by  
W. Ron Allen**

**U.S. Section of the PACIFIC SALMON COMMISSION  
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
On the FY 2017 Budgets for the  
Bureau of Indian Affairs and the U.S. Fish and Wildlife Service**

**March 17, 2016**

Mr. Chairman, and Honorable Members of the Committee, I am Ron Allen, the Alternate Tribal Commissioner and Chair of the Finance and Administration Committee for the U.S. Section of the Pacific Salmon Commission (PSC). The U.S. Section prepares an annual budget for implementation of the Pacific Salmon Treaty. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Tribal participation in the Treaty process is funded in the Bureau of Indian Affairs budget.

In order meet the increased obligations under the 2009-2018 Pacific Salmon Treaty Agreement the 25 affected tribes identified costs at \$4,800,000 for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process, an increase of \$520,000 over FY 2015 enacted level. The funding for tribal participation in the Pacific Salmon Treaty is a line item in the BIA's budget under Rights Protection Implementation.

Under U.S. Fish and Wildlife Service programs, the U.S. Section identified needs as follows:

USFWS participation in the Treaty process is funded at \$372,362 for FY 2015. The Pacific States Marine Fisheries Commission's Regional Mark Center (PSMFC) receives support from the USFWS to provide data services to the PSC process at a level of \$236,189 for FY 2015. The total for the two programs is \$608,551. This represents a decrease from FY 2010 levels, which were \$417,673 for USFWS and \$315,000 for PSMFC, for a grand total of \$732,673. The US Section recommends increasing the FY 2017 funding for these programs by \$50,000, which partially restores both programs to previous funding levels.

This base funding for the U.S. Fish and Wildlife Service supports critically important on-going work. The funding for Pacific States Marine Fisheries Commission's Regional Mark Center is utilized to meet Treaty requirements concerning data exchange with

Canada. These program recommendations are integrated with those of the state and federal agencies to avoid duplication of effort and provide for the most efficient expenditure of scarce funds.

Funding to support activities under the Pacific Salmon Commission comes from the Departments of Interior, State, and Commerce. The U.S. Section can provide a cross-cut budget summary to the Committee. Adequate funding from all three Departments is necessary for the U.S. to meet its treaty obligations. All of the funds are needed for critical data collection and research activities directly related to the implementation and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries in Canada. The commitment of the United States is matched by the commitment of the Government of Canada.

The U.S. Section of the PSC is recommending an adjustment to support the work carried out by the twenty-four treaty tribes' participating in implementation of the Treaty. Programs carried out by the tribes are closely coordinated with those of the states and federal agencies. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities due to funding issues with state agencies. All participating agencies need to be adequately supported to achieve a comprehensive US effort to implement the Treaty.

The U.S. Fish and Wildlife Service activities are necessary so the U.S. can maintain the critical database to implement the Treaty. The work of the Regional Mark Processing Center includes maintaining and updating a coastwide computerized information management system for salmon harvest data as required by the Treaty. This work has become even more important to monitor the success of management actions at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The U.S. database will continue to be housed at the Pacific States Marine Fisheries Commission.

Mr. Chairman, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After thirty years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Northwest, British Columbia, and Alaska. For example, upriver bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-tribal fishermen harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off of the west coast of Vancouver Island catch Washington coastal Coho salmon and Puget Sound Chinook salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers. The Commission provides a forum to ensure cooperative management of salmon populations. The agreements in the current Annex

Chapters for management of chinook, coho, chum, and transboundary populations expire at the end of 2018. The Annex Chapter for management of Fraser River sockeye and pink chapter expires at the end of 2019. The U.S. and Canada are negotiating revisions to the current agreements. Based on past experience, the negotiation process will require additional meetings to reach a successful conclusion. It is important to have adequate resources for U.S. participants to negotiate the best outcome.

Before the Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks, and they recommitted to that goal in 1999 when adopting a coastwide abundance based approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the states, tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The 2008 Chinook agreement continued these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should take into account the fact that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. The value of these fish to the twenty-four treaty tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon as a result of listings of Pacific Northwest salmon populations under the Endangered Species Act. Given the resources, we can continue to use the Pacific Salmon Commission to develop recommendations that help to ensure solutions that minimize impacts on listed stocks, especially if we are allowed to work towards the true intent of the Treaty: mutually beneficial enhancement of the shared resource.

Mr. Chairman, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me, or other members of the U.S. Section to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

Mr. CALVERT. Thank you.  
Mr. Pavel.

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THURSDAY, MARCH 17, 2016.

## SKOKOMISH TRIBE OF WASHINGTON STATE

### WITNESS

**JOSEPH PAVEL, VICE CHAIRMAN, SKOKOMISH TRIBE OF WASHINGTON STATE**

Mr. PAVEL. Good morning, committee. Thank you, Chairman.

I am Joseph Pavel, a vice chairman of Skokomish Indian Tribe. I would just like to offer a few comments. You have our written testimony.

I will talk about, as usual, our law and order and our justice systems. As a small tribe in western Washington, a self-governance tribe, a Public Law 280 tribe, we have very limited resources to be able to meet these vast law and order and justice system needs of our community.

We have just over 700 tribal members, a 5,300-acre reservation. But our on-reservation community numbers about 2,000, which includes non-Indians. We embrace our community, not just our tribal membership, so we are trying to meet the needs of those.

We have, of course, off-reservation fishing and hunting as well, which amounts to a land-base of another 2.2 million acres that we need to patrol, so throughout a large portion of western Washington. So we have obligations there to meet.

Our law and order department started I think with a domestic violence grant we got many, many years ago. I think we were able to hire one domestic violence advocate halftime and then one public safety officer halftime. We gave them a shirt and beat-up pickup, and that was it.

Right now, our staff, we try to keep it at eight fulltime. We are constantly challenged to maintain that staff. Their duties and obligations are tremendous. They are not available through sickness or leave or vacation or trainings. We are constantly challenged to maintain coverage on behalf of our community. So those are the sorts of resources we need to have access to.

Like I said, as a Public Law 280 tribe, and as self-governance, that was not included in our formula allocation, those sorts of services. As 280, we had historically delegated that authority to the State and local jurisdictions.

So we are trying to recover that. Our local jurisdictions, the States are supportive of us, and I think tribes throughout the State, to recover and retrocede that authority. Of course, they are certainly as challenged as we are for those kinds of resources. That is critical.

Our court system, of course, have taken a policy to be more progressive. We look at our law and order and our court system as part of community health system, not only to enforce laws and our authorities, but as another tool to aid in the health of our community, to provide a service and healing to those in need.

So we have implemented a policy to extend that policy. In our judicial system, formerly, we were part of an intertribal court sys-

tem. They were not tied to our community. We were not getting those kinds of services. Their role was engendered in more of a punitive view of the law and order system.

So we have our own local judges, prosecutors, public defender program. We have that as well, as our clerks. We brought that all in-house.

So those are the kinds of things we have to pay for out of our own limited tribal funding. I would just like to support that BIA has available some assistance to Public Law 280 tribes. They need to get those funds out there.

In the natural resources, we have heard shellfish, the Rafeedie decision, I guess we call that an unfunded mandate. We need to support that. Tribes in western Washington are extremely challenged to implement the conditions of that decision. Thanks.

[The information follows:]

**TESTIMONY OF VICE-CHAIRMAN JOSEPH PAVEL  
THE SKOKOMISH TRIBE OF WASHINGTON STATE  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
FISCAL YEAR 2017 BUDGET  
MARCH 17, 2016**

The Skokomish Tribe would like to thank the Subcommittee for the opportunity to present written testimony on the FY 2017 appropriations for the Interior Department, Indian Health Service and Environmental Protection Agency.

The Skokomish Indian Tribe is responsible for providing essential governmental services to the residents of the Skokomish Indian Reservation. We are a rural community located at the base of the Olympic Peninsula with a population of over 2,000 people, including approximately 700 Tribal members. The Tribe provides services through various departments including Tribal Administration, Community Development, Information Services, Early Childhood Education (including Head Start), Education, Health Clinic, Housing, Legal, Natural Resources, Public Safety, Public Works, and Tuwaduq Family Services. Adequate federal funds are critical to the Tribe's ability to address the extensive unmet needs of our community.

## **I. BUREAU OF INDIAN AFFAIRS**

**Law Enforcement.** The Skokomish Department of Public Safety (SDPS) provides 24/7 law enforcement services for the Tribe. SDPS is responsible for patrolling and enforcing justice both within the Tribe's 5,300-acre Reservation, and throughout the Tribe's 2.2 million-acre Treaty area where the Tribe has Treaty-protected hunting, fishing and gathering rights.

Today, 7 officers are available for day-to-day patrol duties. As a result, individual officers are spread far too thin over an 8-hour shift and often work alone. During the salmon harvest season, SDPS must post officers simultaneously at several on and off Reservations sites. Some of these sites require multiple officers. This taxes staffing levels dramatically and exposes both community members in need of assistance and SDPS officers to increased risks of harm. Unfortunately, this is reality for SDPS. To meet mandated responsibilities, staffing must be increased. Vacancies due to illness, training and other leave continue to force the Chief of Police to respond to calls for service and to fill patrol shifts. A very active Community Policing program suffers as budget limitations severely restrict overtime and officer availability. With the limited amount we receive as a self-governance Tribe, we have to use Tribal funds to hire the 6 officers who we use for regular patrol and natural resource enforcement.

Thus, the Tribe urges the Committee to appropriate additional funding for criminal investigations and police services. The BIA has requested essentially level funding in this program when the need throughout Indian country is far greater.

**Tribal Courts.** We are deeply concerned that the BIA has proposed an \$8.2 million cut in tribal court funding for tribes in P.L. 280 states. For too long the BIA failed to provide funding to tribes in P.L. 280 states and we suffered from a lack judges, prosecutors, defense attorneys and probations officers. Last year, Congress recognized this deficiency and provided \$10 million for

the first time to address our need. We urge Congress to maintain this funding level in FY 2017. With regard to the FY 2016 funding, we are concerned that the BIA has yet to engage in consultation with tribes as to how this funding will be allocated. We have heard that one proposal the BIA is considering is to use this funding to build capacity within the BIA. We would urge the Committee to tell the BIA to develop a plan to allocate the FY 2016 funds to tribes and not keep it for itself.

The Skokomish Tribal Court handles several different kinds of cases. These include Civil, Criminal and Indian Child Welfare cases. The Tribal Court distinguishes four kinds of criminal cases: Juvenile, Fishing, Traffic and other criminal cases. As of January 1, 2015, there were eleven (11) open Juvenile Criminal cases, fifty-one (51) open Criminal Traffic cases, sixty-five (65) open fishing cases, and sixty-eight (68) open General Criminal cases. Indian Child Welfare cases include Child in Need of Care cases and Guardianships (long-term). In February 2016, the Tribe passed revisions to the ICW ordinance and passed a new School Attendance ordinance. The school attendance ordinance focuses on efforts to encourage school attendance and enforce mandatory attendance requirements. The new ordinance includes provisions to bring matters to Tribal court for enforcement. This means more cases will be filed in Tribal Court. As of January 1, 2016, the Tribal Court has thirty-one (31) active Child in Need of Care cases and fifty-three (53) active Dependency cases.

**Natural Resources.** We strongly support the President's proposal for funding Trust-Natural Resources Management programs. Increased funding to foster sustainable stewardship and development of natural resources and support fishing, hunting and gathering rights on and off-Reservation is essential to our people who depend on natural resources for their livelihood.

Fish hatchery maintenance and fish hatchery operations funds are invaluable for supporting the Federal government's investment in tribal hatcheries. Most tribal hatcheries are underfunded and each year brings more decay to the facilities. Adequate funding for hatchery maintenance is imperative to prevent these important pieces of the salmon restoration puzzle from crumbling away. Because of habitat destruction, the only reason we continue to have salmon for Treaty-harvest activities is through the operation of salmon hatcheries. Congress cannot allow the main pillar of this all important Treaty right to take a reduction in funding. We urge Congress to increase funding for this critical program.

A few years ago the Tribe was able to cobble together a wildlife program consisting of one biologist and one technician. The program is partially funded by Timber, Fish, and Wildlife funds of about \$41,000 with the Tribe scratching to find the remaining \$82,000. Wildlife grants are few and far between because the focus is so much on salmon. We obviously cannot reduce salmon funding; rather, the United States must be less myopic and realize that Tribes also need wildlife program funds not only to support biologists, but additional funding is required to dedicated wildlife enforcement officers who will not only enforce the tribes' regulations, but ensure that poaching of the wildlife resources does not occur from outside entities who sometimes fail to recognize tribal treaty rights. We request additional funds for Tribes in the Stevens Treaty Areas to have a base wildlife program funding in the amount of \$240,000. Without a more robust program, the wildlife populations will continue to decline.

The Tribe has been under attack by shellfish growers who blatantly steal the Treaty-protected oyster and clam resources in Hood Canal. It is imperative that the federal government provide monetary support so the Tribe may increase its enforcement presence and seek reparations through the courts. As with wildlife, shellfish issues are often overlooked because of the popularity of salmon, but the availability of this equally-important resource to the Tribe is dwindling and action must be taken now to prevent a further decline. We suggest an increase to allow for each “Bolt” tribe an additional \$250,000 for shellfish management and rights protection in FY 2017. This would allow for additional population surveyors, harvest monitors, and enforcement officers.

**II. INDIAN HEALTH SERVICE** The Skokomish Tribe supports the President’s FY2017 budget proposal for an overall funding increase of \$402 million for the Indian Health Service. We support the increase of \$82 million for contract support costs. This is a major victory for Tribes and the support of the Congress and Administration is greatly appreciated. The next step is to adopt a permanent funding policy that is not overly complex and burdensome on tribes.

We operate a small ambulatory health program with a staff of 28 people. As a Tribally run clinic, we provide direct care services as well as purchased/referred care, formerly known as contract health care. Our health program integrates medical, dental, and behavioral health services (mental health and substance use disorder) and we are therefore very supportive of the \$21.4 million request to support the integration of these services. We have identified a need to support the full implementation of Electronic Health Records as part of this effort and hope these funds will support that endeavor. This year we will begin to provide some mental health services using the Indian Health Service’s Tele-Behavioral Health Center of Excellence and are glad to see the continued funding for this program.

We fully support the Budget’s request of \$48 million increase for Purchased and Referred Care. For the current fiscal year, Congress was not able to increase funding for the program and now we are forced to reduce referrals due to medical inflation costs.

We are pleased to see the funding increase (\$15 million) under the Gen-I (Generation Indigenous) initiative with increased funding for youth substance abuse and suicide prevention. We continue to see the effects of heroin use and opioid abuse in all ages at an alarming rate. The Skokomish Tribe struggles to find the resources to adequately address the treatment and long term needs of those members struggling with addiction. We see the need for more long term treatment facilities to address the needs of individuals who can benefit from such treatment programs so that they may continue their journey of wellness far beyond the current 30 to 45 day in-patient treatment process. This short-term stay is often not adequate time to be healed from addiction and our tribal members often return to the community only to re-establish their old habits and slip back into addiction. If the Tribe is to reduce recidivism and spare tribal youth from witnessing self-destructive behavior, Congress must provide greater resources to programs with a proven track record of success.

We support the small ambulatory facility increase of \$10 million since this is the only IHS funding that Northwest Tribes have access to due to the current facilities priority system that favors larger health programs.

**III. TRIBAL HISTORIC PRESERVATION PROGRAMS.** In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling individual tribal programs. Interior anticipates there will be 155 tribes operating the program in FY 2017 with each tribe receiving less than \$55,000. This amount is barely enough to fund one position. We support the \$2 million proposed increase for this important program.

**IV. ENVIRONMENTAL PROTECTION AGENCY** We concur with the National Congress of American Indians (NCAI) and the request to permanently lift the funding cap on the Clean Water State Revolving Fund Tribal Set-Aside for wastewater facilities. The Skokomish Tribe needs approximately \$12 million to fully build our core Reservation wastewater plant which will service approximately 85% of the on-reservation housing. The Tribe has had to put on hold design of the Core Reservation Wastewater Treatment plant until we can identify possible funding sources.

**V. CONTRACT SUPPORT COSTS – BIA and HIS** We fully support a permanent, indefinite appropriation for contract support costs that ensures full funding for contract support costs without the reduction of direct services to any Tribe.

**VI. GENERATION INDIGENOUS** We have placed a high emphasis on our youth and their education. Through collaborative efforts by our departments and with other Tribes, we have been able to sponsor culture camps, sports and leadership camps, and other positive activities that allow our youth to experience various activities. We are proud that this year we have 13 Tribal and Community members who are working steadfastly to graduate from our local high schools while being active in extra-curricular activities. We support the White House initiative to improve the lives of Native Youth who are our future.

In 2008, the National Congress of American Indians, the National Indian Health Board, the National Indian Education Association, the National Indian Child Welfare Association, and the National Council of Urban Indian Health created a joint policy initiative. The initiative proposed specific recommendations to improve the social, emotional, mental, physical, and economic health of children and youth, allowing them to achieve their learning and developmental potential. Using the First Kids 1<sup>st</sup> strategies and recommendations, the Tribe has put together a workgroup to identify areas where programs can assist families. The workgroup provides data and ideas to the Tribe's grantwriters to research possible funding sources to implement new programs to help families and youth.

Mr. CALVERT. Thank you.

I am going to give Mr. Kilmer a chance, but I have a quick question. He is obviously representing that area of the State and understands the local issues, especially development issues in that region, much better than I do.

But economic development is something I know something about, and I know that some tribes around the country are much more successful than other tribes. That is just the way it is—sometimes it is location of the tribes. Sometimes it is just you have entrepreneurs in some tribes and other tribes you do not.

So it seems like you are blessed up there with some great properties and ability to create economic development and employ your people and put them on a pathway to prosperity. How is that coming along?

Mr. ALLEN. It is coming along nicely. We have a long way to go. I would note that a lot of it is a result of the gaming industry. It really did kind of push the tribes into becoming better businessmen. So the skill of managing that particular industry strengthened us immensely and also provided us the kind of unrestricted revenues to expand our business portfolio.

So when you did not have resources and past practices and efforts of the Federal Government, it just did not work very well, and the gaming industry had a big impact on it.

So it is really improving in Washington State. We have a long way to go. But I guess one of the things is my mentioning of taxation authority and jurisdiction and those kinds of issues is going to help strengthen it. That is what we need to do.

Mr. CALVERT. Yes, good.

Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman.

And thanks to each of you for being here.

I cannot see Chairwoman Lubenau without thinking of the beautiful falls that are so central to your tribe, and where I chickened out on proposing to my wife. [Laughter.]

So thanks for bringing up that memory, Madam Chairwoman. [Laughter.]

Mr. CALVERT. Are you blushing?

Mr. KILMER. Yes, a little bit. Probably. I did then, too.

In light of the conversation around economic development, Chairman Allen, I was hopeful that you would speak a little bit about the importance of tribal treaty rights and in particular the importance of fishing to the tribes in our neck of the woods. We see some of the challenges, whether it be habitat loss or now some of the challenges off the coast, where we may see the season completely wiped out. Can you talk a little bit about the impact of those challenges in terms of economic self-reliance?

Mr. ALLEN. Without a doubt, as the committee has listened to a lot of testimony with regard to the importance of salmon, that has been important to us. But the salmon, for various environmental reasons and even climate reasons, have diminished in a way that has made it a challenge for us to restore the stock back to what we consider a sustainable level. So because of that, it has diminished the availability of the resource to sustain fisher families.

Now some of our community has shifted over to shellfish, so shellfish has become of bigger importance to the tribes. That is when you heard testimony about management responsibilities and needs in order to sustain the shellfish obligations. As you know, geoduck and oysters and shrimp and crab are important revenue for us.

But it is critical. I mean, it is essential for tribes throughout the Northwest. And it is in the treaty. In the treaty, we reserve the right to have sustainable income, I am paraphrasing it, to support our families. That is why we are in the international treaty, because that treaty is relevant to that resource.

So it is really important, but it is also because it has been diminishing and become more challenging to be able to provide support for a lot of our families, that is why we are now trying to diversify our portfolios and get into other business ventures, including different kinds of job opportunities.

Mr. KILMER. Thank you.

I know votes have been called, so thank you, Mr. Chairman.

Mr. CALVERT. We certainly appreciate everybody coming here today. Again, just continue to add any additional information to the committee, if necessary, and we will certainly take it into account. We appreciate you being here.

We are going to recess. We have two votes, and we will reconvene as quickly as possible after that last vote.

Thank you.

[Recess.]

Mr. CALVERT. Good morning. Welcome to our witnesses.

As you know, we are under the 5-minute rule, so the green light is great. Yellow light means 1 more minute. Red light means we are done. I appreciate you trying to stay within that 5-minute rule.

With that, first, Patrick Luke, you are recognized for 5 minutes.

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THURSDAY, MARCH 17, 2016.

## **COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION**

### **WITNESS**

**PATRICK LUKE, VICE CHAIRMAN, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION**

Mr. LUKE [speaking native language]. I am a member of the Yakima Nation, a tribal councilman, and I serve as a Fish and Wildlife Committee member who is talking on behalf of the Columbia River Inter-Tribal Fish Commission today. I thank you, Mr. Calvert, and the committee members here.

Today, in regard to the funding needed by the Columbia River Inter-Tribal Fish Commission that consists of the Yakima Nation to Warm Springs, the Umatilla and Nez Perce Tribes, these folks work together collaboratively to help restore salmon in the Columbia River basin, lamprey and sturgeon.

These tribes work collaboratively to implement comprehensive treaty rights; programs intended to maintain compliance with court orders like, for example, U.S. v. Oregon and U.S. v. Washington; regional intergovernmental agreements; international salmon trea-

ties, such as you heard this morning from other folks about the Pacific salmon. That is on the coast. There is another one called the Columbia River Water Enhancement Treaty that we need to talk about, too. That deals with the 11 dams on the Columbia River on the U.S. side.

And then the Canadian folks that want to negotiate with the tribes about fish passage, but that is another story that I can share with you some of the time.

Today, as co-managers, the vast area that we work in is about the same size as Georgia, the basin itself. We work with five States. We work with about 13 Federal agencies within the basin, too.

The goal is to halt the declines of Pacific salmon, Pacific lamprey, and sturgeon in the Columbia River basin. By doing that, they built plans and these plans were implemented through this program by objectives to emphasize the highest level of scientific rigor and effective management strategies at a holistic approach in ecosystems. It is all based on the foods that come every year.

Every year, there are orders that we all live in in the basin that we give thanks to the Creator that we still live to this very day. Every Sunday, we have services, Seven Drum, and we sing and give thanks and rejoice for the foods. That is the law of our land.

One of the success rates that we have, I wanted to show you folks. I am not sure if you folks have it, but we have a chinook rebuilding program in Idaho on the Snake River where fall chinook runs have really increased over time through both artificial production and natural production. Now what that consists of, the Nez Perce Tribe in Idaho and the State of Idaho are collaborating together to help restore on their end, although the Snake River dams impact the fall fishery, because of warm water temps.

I just want to say I really appreciate all you folks hearing our needs, but our needs remain high. There are four key agreements that we need to renegotiate within the next 2 years. As I mentioned earlier, Columbia River treaty, Pacific salmon treaty. We have fish accords in the Columbia River Basin, and U.S. v. Oregon, a management agreement, the Judge Boldt decision.

I just want to touch on, last week, the Prime Minister from Canada was here visiting. His name is Justin Trudeau. He was visiting with President Obama and many Members of Congress to modernize the Columbia River Treaty.

Mr. Chairman, our tribes have led the way in the development of the regional recommendations for the treaty. It is the first time that we actually were able to sit at the table to negotiate and share our success stories, for example, how we do things.

We take everything serious, as far as restoration, because that is part of our teaching, to always speak for the ones who cannot speak for themselves. Those are our food resources. We have an ecosystem approach.

Like the huckleberries in the mountains, they will take care of them, the fires that you are probably going to hear soon. They all have an interaction in our life in the Northwest.

Finally, I would like to just say, economic development is driven in the Pacific Northwest by our salmon folks who are fishermen. All the taxpayers, all the folks who buy license tags, all pay tribute

to the tribes, because if it was not for the tribes in the Pacific Northwest, there probably would be no salmon at all.

So the tribes went to Federal court to help push reintroduction of salmon in the Pacific Northwest. That enhanced, over time, all five States that I mentioned earlier. Thank you. [Speaking native language.]

[The information follows:]



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### TESTIMONY OF

**The Honorable Patrick Luke, Vice-Chairman  
Columbia River Inter-Tribal Fish Commission**

**Regarding the Bureau of Indian Affairs Fiscal Year 2017 Budget  
Appropriations Subcommittee on Interior, Environment, and Related Agencies  
United States House of Representatives  
March 17, 2016**

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2017 budget. We have specifically identified the following funding needs and one request for review:

- 1) **\$9.95 million for Columbia River Fisheries Management under Rights Protection Implementation**, (\$5.3 million above FY2016), to meet the base program funding needs of the Commission and the fisheries programs of our member tribes;
- 2) **\$4.8 million for U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation**, (\$520K above FY2016) to implement obligations under the recent agreements adopted by the U.S. and Canada;
- 3) **\$8.0 million for Tribal Climate Resilience under Rights Protection Implementation** to assist tribes in climate change adaptation and planning (supporting the POTUS request);
- 4) **\$10.4 million for Fish, Wildlife and Parks Projects**, (supporting the POTUS request);
- 5) **\$352.5 million for Public Safety and Justice**, of which \$943,000 supports enforcement of federal laws at In-Lieu and Treaty Fishing Access Sites on the Columbia River.

### History and Background:

CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States, an area the size of the State of Georgia.

In 1855, the U.S. entered into treaties with the four tribes<sup>1</sup> whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish in all Usual and Accustomed locations. Unfortunately, a perilous history brought the salmon resource to

<sup>1</sup> Treaty with the Yakama Nation, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

The CRITFC tribes have arrived as globally-recognized leaders in fisheries restoration and management working in collaboration with state, federal and private entities. We are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. To achieve these objectives, our actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts.

**Columbia River Fisheries Management within Rights Protection Implementation:**

We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management increases in complexity, requiring greater data collection and enforcement. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery effort, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. We request an increase of \$4.4 million over FY2015 for a new program base of \$8.95 million for Columbia River Fisheries Management.

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes, namely enforcement, harvest monitoring and renegotiation support for four primary agreements including Columbia River Treaty modernization.

In 2008, CRITFC and its member tribes struck three landmark agreements: 1) the Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin<sup>2</sup>, 2) a 10-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty<sup>3</sup>. These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes' are also addressing unmet mitigation obligations, such as fish losses associated with the John Day and The Dalles dams.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by

<sup>2</sup> The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

<sup>3</sup> See Salmon Win A Triple Crown" at [http://www.critfc.org/text/wana\\_109.pdf](http://www.critfc.org/text/wana_109.pdf)

providing sound technical, scientific and policy products to diverse legal, public and private forums. Rights Protection Implementation funding takes on even greater importance as funding for State co-management agencies has become inconsistent or decreased. Below are priority need areas for CRITFC and our member tribes.

***Youth Program Initiatives:***

The Columbia River Treaty Tribes place an emphasis on preparing our youth for careers in Natural Resources Management. However, our tribes, like tribes nation-wide, struggle to overcome barriers to Science, Technology, Engineering, and Mathematics achievement, high dropout rates, and low percentages of students pursuing natural resources majors. Our Place-Based Workforce Development Initiative seeks to address these barriers through a blend of technical assistance, intern and externship opportunities and a summer Salmon Camp.

***Columbia River Treaty Modernization:***

The Columbia River Inter-Tribal Fish Commission's member tribes are part of a coalition of fifteen (15) Columbia Basin tribes whose rights, as well as management authorities and responsibilities, are substantially affected by the implementation of the Columbia River Treaty. In order for Treaty modernization to succeed, the Columbia Basin tribes need to continue to coordinate internally and with other regional and national entities, as well as continue their analytical evaluation of the Treaty including the impacts of climate change, while the State Department evaluates the Regional Recommendation and completes their national interests review.

***U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation:***

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement, but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource.

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of \$4.8 million for the twenty-five participating tribes. These funds provide for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. The FY2017 recommended level for this program is an increase of \$520,000 above the FY2016 enacted level. Our request correlates to the U.S. Section's recommendation.

***Tribal Climate Resilience:***

The Columbia River Treaty Tribes are feeling the effects of Climate Change. Shifts are occurring in salmon run timing, and berry and root ripening cycles. In 2015, climate-related stress in the form of historic forest fires and the loss of up to 400,000 sockeye salmon due to elevated water temperatures illustrate our climate crisis. We support the President's request of an increase of \$2.5 million to

implement Tribal Climate Resilience. CRITFC is concerned about the underlying lack of fairness in the distribution of climate change funding with Rights Protection Implementation since the fund's appearance in 2014. Attempts at a collaborative process have not yielded a consensus. We conditionally support the President's directive of a "competitive process" as a means to an end. This process could lead to a better assessment of treaty-based climate needs and metrics to best put dollars on the ground.

**Fish, Wildlife and Parks Projects:**

We support the President's request to support federal facilities maintenance.

**Public Safety and Justice, Criminal Investigations and Police Services:**

Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31 fishing access sites developed pursuant to P.L. 87-14 and P.L. 100-581 for use by treaty fishers. CRITFC's officers have obtained BIA Special Law Enforcement Commissions to aid our efforts protecting and serving tribal members and federal trust properties along the Columbia River. We are also very pleased that the BIA has created OJS District 8 and housed it in Portland. CRITFC entered into a P.L. 93-638 contract with BIA in February 2011 for enforcement services along the Columbia River. That contract currently provides funding for two enforcement positions.

Our immediate priority is to add two Patrol officers, one Sergeant, one Investigator and one Dispatcher. Full funding for this Enforcement need is \$943,000 which would support a total of four officers, one sergeant, an investigator and a dispatcher.

**A Request for Review of Salmon Mass-Marking Programs:**

CRITFC endeavors to secure a unified hatchery strategy among tribal, federal and state co-managers. To that end, we seek to build hatchery programs using the best available science, regional expertise and supported by adequate, efficient budgets. A Congressional requirement, delivered through prior appropriations language, to visibly mark all salmon produced in federally funded hatcheries circumvents local decision-making and should be reconsidered. We have requested that federal mass-marking requirements, and correlated funding, be reviewed for compatibility with our overall objective of ESA delisting and with prevailing laws and agreements: *U.S. v Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords<sup>4</sup>. Salmon managers should be provided the latitude to make case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

**In summary**, through the combined efforts of the four Columbia River Treaty Tribes, supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

Contact: Charles Hudson, Director of Governmental Affairs, CRITFC, 503-731-1257, [hudc@critfc.org](mailto:hudc@critfc.org)

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<sup>4</sup> Letter from Bruce Jim, Chairman, Columbia River Inter-Tribal Fish Commission to U.S. House of Representatives Chairmen Frank Wolf, Mike Simpson and Doc Hastings, July 11, 2011

Mr. CALVERT. Thank you.  
Next, Mr. Johnstone.

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THURSDAY, MARCH 17, 2016.

## NORTHWEST INDIAN FISHERIES COMMISSION

### WITNESS

#### EDWARD JOHNSTONE, TREASURER, NORTHWEST INDIAN FISHERIES COMMISSION

Mr. JOHNSTONE. Good morning. Thank you. Mr. Chairman Calvert, the committee, Derek, who happens to be the Congressman from the district that I live in, the Sixth District, along with many of our 20 tribes of the Northwest Indian Fisheries Commission, my name is Ed Johnstone. I am a Quinault Tribal member. I am the treasurer of the Northwest Indian Fisheries Commission.

You have heard others express the gratitude for this committee, that we have enjoyed some very strong support in some very lean years, and it has not gone unnoticed or unappreciated. We really appreciate this committee, the hard work by yourselves and your staffs, and our staffs and our tribes, to tell our story.

I heard David Bean from Puyallup talk about Billy Frank this morning on the screen outside, watching as this hearing was in session. That is that great leader that we often call on and often relied on when he was still with us. We still call on the words of Billy Frank, Jr. Many great things are happening in Indian country because of Billy Frank, Jr. and our leaders of the time.

It often gets lost that Billy did not do what he did by himself. He had a very strong support, first from his family, then from his tribe, and then from us Indians, the Indian people of the Pacific Northwest and, quite frankly, throughout the United States.

So listening to the stories that the tribes are bringing forward to you, they really go to the heart. As I see the committee members listening to us telling our story, we do have an impact. And your reaction, we can tell that there is an audience, and it is very much heartwarming to us.

When we talk about these things that are affecting our way of life, they are very grilling on us. In the Pacific Northwest, the salmon are so central to who we are, our way of life, and we are losing the battle with salmon for various reasons.

You might recall, the Treaty Rights at Risk, a document that we produced almost 5 years ago. We came back here and we went to the OMB, CEQ, Justice, to our congressional delegations, to just about every forum you can think of to talk about what is going on with the salmon. Despite all the good work, and we have done great work, and we continue to do great work, there are problems that are out there that prevent us from recovery of the salmon.

One of the earlier things that I noticed in questioning, what is Canada doing? Not very much. When they continue to put out in Victoria and Vancouver, just right out the end of a pipe into the Straits of Juan de Fuca, raw sewage, that hurts us. That is very impactful.

Those are the kinds of issues that you are hearing from the tribes, some of the points of contention that prevent us from taking all this great work and finishing the job that we need to do.

So back to the Northwest Indian Fisheries Commission and the 20 member tribes, the foundation was reaffirmed with the court decision *U.S. v. Washington*, commonly known as the Boldt decision. That is who we are, those 20 member tribes.

You see so many of us testifying in front of this committee earlier today, and I would expect maybe more coming through here.

But one of the other issues that go along with Treaty Rights at Risk are kind of down the lines of President Sharp, talking about the environmental situations that are going on in the village of Taholah, by these storm surges and sea level rise. There are also conditions out there in the ocean that are saying to our science that they are not favorable to the out-migrants of these salmon that either come out of the Columbia River or come out of the Quinault or come out of the Hoh or any one of the systems in western Washington that go to the far north.

We are seeing the environmental conditions that resulted in disastrous returns last year. It looks like that carries over this year. So there may be a point where we will be expanding that discussion about what is going on with the environment, and tribes may be after other forms of assistance.

I will just remind, for the record, that we do have our written testimony submitted. It talks about the numbers. We appreciate the strong support, and we continue to be the leaders in Indian country that want to be results-oriented. We are out here to work for the betterment of everyone.

[The information follows:]



## Northwest Indian Fisheries Commission

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**TESTIMONY OF EDWARD JOHNSTONE, TREASURER  
NORTHWEST INDIAN FISHERIES COMMISSION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
ON THE FISCAL YEAR 2017 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &  
ENVIRONMENTAL PROTECTION AGENCY**

**March 17, 2016**

The Northwest Indian Fisheries Commission (NWIFC) is comprised of the 20 tribes that are party to the *United States v. Washington*<sup>1</sup> (*U.S. v. Washington*). We are pleased with the President's FY17 Budget Request, which includes and builds on the support of the Subcommittee. It contains funding to support the tribal treaty right, including research and analysis for critical and sustainable management of our natural resources. Our treaty-reserved rights are at risk today as the resources they are dependent on are disappearing and the reason our tribes brought to the federal government our Treaty Rights at Risk Initiative. On behalf of our 20 member tribes, I am here today to speak specifically to our FY17 natural resources management and environmental program funding requests for the Bureau of Indian Affairs (BIA) and Environmental Protection Agency (EPA). To meet the many natural resources management responsibilities required of the tribes, I submit the following requests for the BIA and EPA.

### **SUMMARY OF FISCAL YEAR 2017 (FY17) APPROPRIATIONS REQUESTS**

#### **Bureau of Indian Affairs**

- ❑ Provide \$56.5 million for Rights Protection Implementation (collective request)
  - Provide \$17.146 million for Western Washington Fisheries Management
  - Provide \$3.082 million for Washington State Timber-Fish-Wildlife
  - Provide \$4.844 million for U.S./Canada Pacific Salmon Treaty
  - Provide \$2.4 million for Salmon Marking
  - Provide \$4.5 million for Climate Change
- ❑ Provide \$10.38 million for BIA Fish, Wildlife & Parks Projects
- ❑ Provide \$273.0 million for Contract Support
- ❑ Provide \$30.355 million for Tribal Climate Resilience
- ❑ Provide \$830,000 for Watershed Restoration

#### **Environmental Protection Agency**

- ❑ Provide \$96.4 million for General Assistance Program
- ❑ Provide \$50.0 million for Puget Sound
- ❑ Provide \$5.0 million for Beyond GAP

<sup>1</sup> *United States v. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

**JUSTIFICATION OF REQUESTS****Bureau of Indian Affairs****Rights Protection Implementation Subactivity**

The 41 tribes in the Great Lakes and Pacific Northwest with similar treaty-reserved rights have collectively identified that no less than \$52.0 million for Rights Protection Implementation (RPI) is necessary for essential tribal treaty rights management. The President's FY17 budget includes \$40.161 million for RPI, an increase of \$2.523 million over the FY16 enacted level of \$37.638 million. The NWIFC has identified an addition need of \$4.5 million for RPI Climate Change, bringing our total request for RPI to \$56.5 million. A summary of the accounts of interest to us within RPI are further identified below. A breakdown of these accounts in the BIA's Greenbook is not provided for FY17.

- **Provide \$17.146 million for BIA Western Washington Fisheries Management**

We respectfully request \$17.146 million, an increase of \$8.614 million over the FY16 enacted level of \$8.532 million. Funding for this program allows for continued treaty harvest management, population assessment, habitat protection and data gathering for finfish, shellfish, groundfish, wildlife and other natural resource management needs. Funds provide the necessary capacity for the treaty tribes to co-manage the resources with the state of Washington and to continue to meet court mandates and legal responsibilities.

- **Provide \$3.082 million for BIA Washington State Timber-Fish-Wildlife**

We respectfully request \$3.082 million, an increase of \$346,000 over the FY16 enacted level of \$2.736 million. Funding for this program is provided to improve forest practices on state and private lands while providing protection for fish, wildlife and water quality. This will provide the necessary funding for tribal TFW programs to fully participate in the TFW process.

- **Provide \$4.844 million for BIA U.S./Canada Pacific Salmon Treaty**

We respectfully request \$4.844 million, an increase of \$564,000 over the FY16 enacted level of \$4.28 million. The Pacific Salmon Treaty (PST) Act of 1985 charges the United States Section of the Pacific Salmon Commission (PSC) with the responsibility for implementation of the PST, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering activities. This will provide sufficient funding to ensure that the tribes can continue to participate effectively in the bilateral PST process.

- **Provide \$2.4 million for BIA Salmon Marking**

We respectfully request \$2.4 million, an increase of \$1.332 million over the FY16 enacted level of \$1.068 million. Funding for this program was mandated in 2003 by Congress that required all salmon released from federally funded hatcheries be marked so they could be identified for conservation purposes. This allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in western Washington.

- **Provide \$4.5 million for BIA Climate Change**

We respectfully request \$4.5 million for Climate Change for our member tribes, an increase of \$2.118 million over our FY16 allocation. The FY16 appropriations provided a collective (Great Lakes and Pacific Northwest) total of \$5.442 million, of which our member tribes received \$2.382 million. Funding for this program will provide tribes the capacity to identify, respond and adapt to the impacts of our changing climate. There is a glaring need to assess the potential impacts to resources in the face of climate change, which brings different challenges for every tribal community. It is important that tribes be provided the maximum flexibility to develop specific science-based activities to meet their particular needs.

Fish, Wildlife & Parks Projects/Fish, Wildlife and Parks Subactivity

- **Provide \$10.38 million for BIA Fish, Wildlife & Parks Projects**

We support the President's request of \$10.38 million, an increase of \$2.002 million over the FY16 enacted level of \$8.378 million. Funding for this program is for Fish Hatchery Operations and Fish Hatchery Maintenance. Funding is provided to tribal hatcheries to support the rearing and releasing of salmon and steelhead for harvest by Indian and non-Indian fisheries in the U.S. and Canada. Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Hatcheries are a necessary component of fisheries management because of the lack of wild salmon production due to habitat degradation. A critical component to fisheries management is the hatchery production, which play a vital and necessary role in supporting tribal fisheries. They are now essential for maintaining the treaty right to harvest fish. Without hatcheries tribes would lose their most basic ceremonial and subsistence fisheries that are central to our tribal culture. Hatcheries also play a large role in recovering pacific salmon, many of which are listed under the Endangered Species Act.

Funding for Fish Hatchery Maintenance is provided to tribes nationwide based on the ranking of annual maintenance project proposals. A comprehensive needs assessment study for our Western Washington tribes was conducted in FY06 by the BIA at the request of Congress, which identified a need of over \$48.0 million in necessary hatchery maintenance and rehabilitation costs.

Other Subactivities and Accounts

- **Provide \$273.0 million for BIA Contract Support**

We support the President's request of \$273.0 million, an increase of \$1.0 million over the FY16 enacted level of \$272.0 million. We also support the President's legislative proposal to reclassify CSC as mandatory funding beginning in FY18. Funding for this function is provided to tribal organizations to ensure they have the capacity to manage federal programs under self-determination contracts and self-governance compacts. These funds are critical as they directly support our governmental functions, which allow us to fully exercise our right to self-govern.

- **Provide \$30.355 million for BIA Tribal Climate Resilience**

We respectfully request \$30.355 million, an increase of \$20.4 million over the FY16 enacted level of \$9.955 million. Funding for this program will contribute to the tribal capacity needed to participate and provide input on climate change issues. It will assist tribes in being able to provide their perspective on climate change adaptation in the form of traditional ecological knowledge necessary to protect their treaty rights.

- **Provide \$830,000 for BIA Watershed Restoration**

We respectfully request \$830,000, an increase of \$455,000 over the FY15 operating plan. The FY15 operating plan provided a total of \$375,000 to the western Washington treaty tribes. Funding is contained in the Forestry Subactivity – Forestry Projects – Watershed Restoration account and supports our Salmon and Steelhead Habitat Inventory and Assessment Program. This provides environmental data management, analysis, and reporting support and maintains on-going efforts to develop information sharing and exchange tools. It also supports our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

### Environmental Protection Agency

- **Provide \$96.4 million for EPA General Assistance Program**

We support the President's request of \$96.4 million, an increase of \$30.924 million over the FY16 enacted level of \$65.476 million. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain important environmental protection programs central to the protection of treaty-reserved resources and healthy communities. Funding for this program continues to provide the base capacity for tribal environmental protection programs nationwide.

- **Provide \$50.0 million for EPA Puget Sound**

We respectfully request \$50.0 million, an increase of \$19.966 million over the President's request of \$30.034 million. The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound, an estuary of national significance. Funding for this program will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. It allows the tribes to participate in implementing the Puget Sound Action Agenda.

- **Provide \$5.0 million for EPA Beyond GAP**

We respectfully request \$5.0 million. The President's FY17 budget did not include any proposed funding for this new initiative. We request that legislative language be incorporated into the appropriations bill to specifically allow for implementation of tribal programs. We further request an increase to the tribal allocations of program funding in EPA CWA 104, 106 and 319, and CAA 103 and 105 budgets to allow for media-specific implementation priorities. Increasing tribal allocations will allow for an immediate expansion and response to specific implementation needs identified in our Beyond GAP request. The Beyond GAP initiative would advance the EPA/tribal partnership from capacity building and limited programmatic support to more comprehensive and consistent funding supportive of tribal environmental programs capable of implementing a broad range of necessary environmental activities while improving both efficiency and accountability.

### CONCLUSION

We respectfully urge the Subcommittee to continue to support our efforts to protect and restore our treaty-reserved rights that in turn will provide for thriving communities, cultures and economies. Thank you.

Mr. CALVERT. Thank you. Thank you for your testimony.  
Mr. Rigdon.

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THURSDAY, MARCH 17, 2016.

## **INTERTRIBAL TIMBER COUNCIL**

### **WITNESS**

#### **PHIL RIGDON, PRESIDENT, INTERTRIBAL TIMBER COUNCIL**

Mr. RIGDON. Thank you, Mr. Chairman, members of the committee. My name is Phil Rigdon. I am a member of the Yakima Nation. I oversee the Department of Natural Resources for the Yakima Nation. I also represent the Yakima Intertribal Timber Council and president of the Intertribal Timber Council.

First, I want to express my appreciation to the committee for the adoption of the fiscal year 2016 request increase of \$2 million for thinning of the Indian trust forests and for adding an additional \$2 million to the BIA Forestry projects for the post-fire rehabilitation. Those funds and these funds are critical and needed to address the historical and catastrophic 2015 fires that we witnessed on our reservation and many reservations throughout the Northwest this year.

Our own reservation had significant impacts. For example, roughly 800 million board feet worth of our timberland basin and 40,000 acres burned up during the summer. We are currently seeking and pursuing to salvage much of that. We have started and have harvested probably about 10 percent of that already.

When you compare that to other agencies, we are way ahead in our ability to do those things. But the underlying challenges in Indian forestry are we are funded at a third of the per acre amount versus the United States Forest Service. While tribes can do more with less, we cannot do it forever.

Insufficient personnel constrain BIA's ability to process annual timber harvest levels set by tribes. In 2014, for example, the harvest benefits were 60 percent below what should have been realized, costing tribes \$41 million in lost revenue and over 15,000 jobs. Indian forests are an incredibly valuable asset to tribes and being managed on a shoestring budget.

The 18 million acres of Indian forests across the country provide more than trees, jobs, and 2x4s. Our forests provide revenue our people, habitat for our foods, and clean air and water, and a place that supports us spiritually. This means health, wellness, economic self-sufficiency and more.

Unfortunately, the administration's budget justification reflects a disregard for these factors, as well as a disregard for Federal trust responsibility for Indian forests. BIA Forestry is virtually excluded from any programmatic increases. It would take an additional \$100 million to put Indian forests on par with the United States Forests Service.

In response, the Intertribal Timber Council requests an incremental increase of \$25 million to the BIA Forestry program, bringing the total to \$77.2 million.

The cost of inaction is horrifying. Nearly 500,000 acres of Indian trust forest burned last summer. Approximately 1.5 billion board feet of timber was killed, worth more than \$200 million in immediate tribal revenue.

Nearly 100,000 acres need reforestation.

Tribes and BIA can move quickly to rehabilitate these lands, but we cannot do it for nothing. BIA estimates that the recovery costs for the 2015 fires to be about \$9 million for 2016, \$12.6 million for 2017, a total of \$55 million over a 5-year period. Thus, ITC requests \$12.6 million to be appropriated specifically for the fire Burned Area Recovery account to address the impacts from the 2015 season.

For the current fiscal year, the Office of Wildland Fire Management provided the BIA Forestry and tribes with only \$3.5 million, and \$2 million of that was what this committee actually gave us in addition to the \$1.5 million that is available. This is \$1 million less than previous years, despite the historic wildfires we witnessed this last summer.

Apart from funding, the Intertribal Timber Council is deeply concerned about the government's wildland suppression priorities. Last summer, Federal fire crews attacking reservation fires were diverted to off-reservation fires for threatening private property.

Lives and property are important, but as a direct result, our Indian trust lands were impacted and many of our acres were destroyed. Fire suppression policy should prioritize protection of Indian trust resources and economies. We have over 200 jobs in our mill that depend upon the forest resources.

The other thing I think is really important, as we have this discussion, is a lot of those homes that got diverted, those homes are insured and people will be able to replace those homes. The forest that burned down that supports our economy, we are not insured. We are right now chasing to get as much value out of our timber resources as was lost this last summer. So I think it is a really important discussion to have, on what those priorities are and what we would like to see.

In conclusion, I just thank you for allowing us to bring this to your attention and help us focus on issues facing Indian country. Thank you.

[The information follows:]

**TESTIMONY OF PHILIP RIGDON, PRESIDENT,  
INTERTRIBAL TIMBER COUNCIL, PRESENTED TO THE  
HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES ON  
FY 2017 APPROPRIATIONS FOR THE B.I.A., DoI WILDLAND FIRE  
MANAGEMENT, AND THE U.S. FOREST SERVICE,  
MARCH 17, 2016**

**Summary**

Mr. Chairman, members of the Subcommittee, I am Phil Rigdon, President of the Intertribal Timber Council (ITC) and Deputy Director of Natural Resources for the Yakama Nation. The ITC offers the following recommendations for FY 2017 Indian forestry-related activities in the Bureau of Indian Affairs (BIA), the Department of Interior (DoI) Office of Wildland Fire Management (OWFM), and the U.S.D.A. Forest Service (USFS):

**BIA**

- 1) Increase BIA Forestry by \$25 million, to \$77.2 million, as a first step toward the additional \$100 million needed for funding parity with other federal forestry programs, as recommended by the 2013 IFMAT III report.
- 2) Separately, increase BIA Forestry Projects by \$12.7 million to initiate a BIA Forestry Workforce Development program.
- 3) Increase BIA's Endangered Species funding to \$10 million.
- 4) Increase BIA's Tribal Climate Resilience program to \$30.4 million.

**OWFM**

- 5) Provide \$12.6 million in OWFM BAR for rehabilitation of Indian trust forests burned in 2015.
- 6) Direct a reassessment of wildfire suppression priorities to include Indian trust forests as "property," to be a second priority behind only protection of life as a suppression priority.
- 7) Increase Fuels Management funding to \$206 million; allow RTRL funds on tribal lands.

**USFS**

- 8) Encourage expanded support for the ITC *Anchor Forest* initiative.
- 9) Continue encouraging the USFS to improve implementation of the TFPA.

**APPRECIATION**

I would like to begin by expressing our appreciation for the Committee's adopting BIA's FY 2016 requested increase of \$2 million for thinning on Indian trust forests and for adding \$2 million to BIA Forestry Projects for post-fire rehabilitation. These funds are critically needed to address the historic and catastrophic 2015 fire season.

**IFMAT III**

Many of our requests reflect the findings and recommendations of the 2013 IFMAT III report, the statutorily required (PL 101-630, Sec. 312) decadal independent review on tribal forests and forestry. A copy of that report has been provided to the Committee.

IFMAT III found that chronically insufficient funding and understaffing threaten tribal forests and communities. Unless these problems are rectified, Indian forests will continue to suffer damage from wildland fire, insects, disease, and climate change.

**BIA**

**1) Increase BIA Forestry by \$25 million, to \$77.2 million, as a first step toward the additional \$100 million needed for funding parity with other federal forestry programs, as recommended by the 2013 IFMAT III report.**

Indian forestlands cover one third of the total 56 million acres held in federal trust for Indians. These trust forestlands provide enumerable essential and renewable functions to tribal and surrounding communities, including clean air and water, stable soils, spiritual and cultural support, habitat for fish, wildlife and plants, forest products for medicine, art, and individual entrepreneurship, and through commercial forestry, local jobs and revenues for tribal governments. Indian people live with the forests and deeply rely upon them, and the United States, especially the Interior Department, has a binding and compensable fiduciary responsibility to protect, maintain and enhance these forests, but is failing to do so. Interior's chronic underfunding of the BIA Forestry program also incurs significant economic losses for the tribes. Insufficient personnel constrain BIA Forestry's ability to process the annual timber harvest levels set by tribes, such that in FY 2014, timber harvest benefits were 60% below what should have been realized, costing tribes \$41 million in lost revenue and a loss of over 15,000 jobs.

The FY 2017 BIA Budget Justification continues to reflect disregard for federal trust responsibilities for Indian forests. Enhanced climate resilience is a principal theme for Trust and Natural Resources Management programs, but funding increases are not proposed for Forestry, despite the fact that trust forests A) cover one third of all BIA trust land, B) are subject to statutory trust protection, C) are integral to supporting a wide and critical array of environmental, cultural and economic functions, D) are vital to approaches for addressing climate change, carbon sequestration, water management, and adaptation, and E) are the only trust natural resource with professional and independent assessments and reports documenting the impacts of climate change.

We find FY 2017's exclusion of BIA Forestry from any programmatic increase to be bewildering and dismaying. IFMAT III reports a \$100 million increase is needed to correct this disparity. As in past years, ITC requests that the Committee incrementally correct chronic underfunding by providing a \$25 million increase to the FY 2017 BIA Forestry program.

**2) Separately, increase BIA Forestry Projects by \$12.7 million to initiate a BIA Forestry Workforce Development program, as recommended by IFMAT III.**

BIA and tribal Forestry are facing a staffing crisis. The IFMAT III report states 800 additional BIA Forestry positions are needed, and essential existing positions are going unfilled and knowledge and expertise are being lost due to retirements and funding shortfalls. Last year I cited an example on my reservation - the Yakama Nation - where 33 of the 55 BIA Forestry positions had not been filled for a long time. Today, one year later, it is basically unchanged, despite repeated Tribal pleas. Harvest targets are not being met, forest health is suffering, and economic opportunities are being lost. A concerted effort is needed to fill vacancies and provide the skills required for responsible stewardship of our forest resources. ITC requests that \$12.7 million be added to BIA Forestry Programs to undertake a program to attract, train and retain well qualified professional forestry staff.

**3) Increase BIA Endangered Species funding to \$10 million.**

ITC requests BIA ESA be funded at \$10 million to address impacts of listed species on management of trust resources. BIA's \$3.7 million request represents an increase over recent years, but is still less per acre than BLM ESA and below BIA ESA's \$3 million appropriated for FY 2002 after inflationary costs are considered.

**4) Increase BIA's Tribal Climate Resilience program to \$30.4 million.**

ITC requests \$30.4 million for the BIA Tribal Climate Resilience program, the amount requested by the Administration for FY 2016. Indian tribes rely upon the land, which is our history, our culture, our livelihoods, and our future. While the Administration's FY 2017 request is \$3.1 million over FY 2016's final appropriation, last year's \$30.4 million requested amount better represents the BIA and tribes' true needs for evaluating climate change on our homelands and planning and conducting actual on-the-ground projects to begin addressing its consequences.

**DoI Office of Wildland Fire Management**

**5) Provide \$12.6 million in OWFM BAR for rehabilitation of Indian trust forests burned in 2015.**

The 2015 wildfire season was catastrophic for Indian tribes, particularly in the Northwest, where some fires were the most destructive in recorded history. Nearly 500,000 acres of Indian trust forest burned. Approximately 1.5 billion board feet of timber was killed, worth more than \$200 million in tribal revenue. Nearly 100,000 acres need reforestation. Tribal losses of their forest resource, revenue and jobs are severe and will extend decades into the future. BIA has estimated recovery costs of \$9 million for FY 2016, \$12.6 million for FY 2017, and a total of \$55 million over five years.

The Interior Department's Office Wildland Fire Management (OWFM) provided BIA and the tribes only \$3.5 million in Burned Area Recovery (BAR) funds for FY '16. OWFM has not provided any increase to address the vastly destructive scope of the 2015 fires, and the FY '16 amount is less than the \$4 million in BAR funds for BIA and tribes in FY 2015. The only fund increase in response to last summer's devastation of tribal trust forests has been Congress's FY 2016 increase of \$2 million. At Interior, it is as if our federal trustee is simply turning a blind eye to the problem, which, by further delaying or denying the recovery, only exacerbates the economic and environmental losses inflicted on the tribes.

ITC asks Congress to specifically designate \$12.6 million for FY 2017 within OWFM BAR for recovery of tribal forests burned in 2015. Please note this is just for the 2015 fires, and should not impinge on separate funding for fires that may occur in 2016.

**6) Direct a reassessment of wildfire suppression priorities to include Indian trust forests as "property," to be a second priority behind only protection of life as a suppression priority.**

Last summer, lightning storms ignited a wave of wildfires in the Northwest, including on Indian reservations. When fire crews attacking reservation fires were diverted to fight off-reservation fires threatening private property, the fires on our trust forests exploded. The U.S. evidently abandons its fiduciary obligations to protect Indian trust assets when federal fire suppression policy prioritizes protection of life first and property second, leaving our trust forests to burn, as they did last summer. Timber tribes depend on our forests for jobs and revenue; the destruction suffered by those forests will have severe and long-lasting consequences. Fire suppression policy must prioritize protection of trust resources and economies, not subjugate those obligations to the protection of (often insured) private property. We ask the Committee to

direct the reevaluation of federal fire suppression priorities to consider the protection of Indian trust resources as second only to protection of life.

**7) Increase Fuels Management funding to \$206 million; allow RTRL funds on tribal lands.**

For FY 2017, ITC urges that Fuels Management funding be restored to its FY 2010 \$206 million level to reduce the Department's fuels backlog. This will be a sound investment that will reduce future costs of suppression. Within the FY 2017 Fuels Management budget, ITC strongly supports the designation of \$10 million for Reserved Treaty Rights Lands (RTRL) landscape restoration, to allow tribes to engage in proactive fuels and forest health projects to protect tribal trust assets on treaty lands. However, we ask that these funds be allowed to be used on both tribal lands and off-reservation.

**USFS**

**8) Encourage expanded support for the ITC *Anchor Forest* initiative.**

We ask that you encourage and expand continued Forest Service support of the ITC's *Anchor Forest* initiative, in which tribes and other forest stakeholders are pursuing long-term collaboration to maintain ecological functions and sustain economically viable infrastructure for management, harvesting, transportation, and processing of forest products. The initial report of the ITC's *Anchor Forest* pilot study in Washington and Idaho is nearing publication and reflects the participation of tribal, federal and state governments, the conservation community, and local forestland owners and businesses. Tribes in the Lakes States, the Plains States, Alaska, and the Southwest are expressing interest in the *Anchor Forest* concept, and we urge the Committee to express support for expanding the application of the *Anchor Forest* concept.

**9) Continue encouraging the USFS to improve implementation of the TFPA.**

Finally, we thank the Committee for its FY 2015 support of the Tribal Forest Protection Act (TFPA, PL 108-278) that authorizes tribes to conduct fuels and health projects on U.S.F.S. and B.L.M. lands to protect trust and cultural resources. The Committee's support helped prompt a series of successful regional TFPA workshops and the forging of numerous TFPA agreements. There is keen interest in additional workshops and follow-on activities, and the ITC urges the Committee to express continued support for the TFPA program.

**Intertribal Timber Council background.**

The ITC is a 40 year old association of forest owning tribes and Alaska Native organizations dedicated to improving the sustainable ecological and economic management of our 18.6 million acres of timberland and woodland held in BIA trust. We invite you to come visit.

That concludes my statement. Thank you.

Mr. CALVERT. Thank you. Thank you for your testimony.

I have been hearing a consistent theme here, too, especially those on the water, is pollutants. It was brought up that some dairies moved up there, some dairies are better than others at handling their wastewater, ponds, and how they operate.

I used to have the largest dairy district in the country, so I know how that works. Some of them do a fantastic job and are very capable of handling the runoff. Others are not. So we have to make sure that those folks operate properly.

But what is troubling is about our Canadian neighbors dumping raw sewage directly into the water—we in the United States have gone through an expensive process to do secondary and tertiary treatment to sewage in order to not have that problem.

Is there any move at all in Canada to work on that problem?

Mr. ALLEN. I do not know what the pressure points are with the Canadian Government. I do know that a little further north through some work with the Nature Conservancy working with the tribes in Canada with kind of similar circumstances going on up in the Prince Rupert area, there is a tribe there that has the very first primary and secondary treatment of any of their sewage in that northern part of the country. They are doing it because everything that sustains them is right there in that one bay. So they are doing all this treatment. But the municipality of Prince Rupert is not. But they are just a little downstream from them.

So there seems to be a real big problem in Canada with the way they deal with waste and wastewater.

Mr. CALVERT. We will have to look into that.

Mr. Luke.

Mr. LUKE. Thank you, Your Honor. I would like to comment on water quality, water quantity.

Canada does not have a Clean Water Act. They do not have an EPA act to protect their resources up there. So I think it is up to the U.S. to lead in that effort to show them when they put estrogen in the water, testosterone in the water, it impacts the physiology of fish. It becomes precocious in jacks. That is why you see a high number of fish coming up that are small, because they think they are grown up, but they are only this big. The same way with testosterone.

Anything that goes into the water, these fish absorb in their chemoreceptors that they use to help their growth.

I am not sure why on the Fraser River those folks do that, but it is something that needs to be addressed.

We have to make our Pacific salmon treaty strong. That needs to tell those folks that hey, look, this is what you are doing to the population.

On the U.S. side, when the fish migrate through the island and by Ketchikan and stuff going through Canada, they are really having an impact on population, especially the Columbia River stocks.

Mr. CALVERT. One quick question on salvage. We have had difficulties in the past on various fires in the West where the Federal Government does not give the various permissions that you need to get to salvage the buried timber as quickly as possible after wildfires. How are you doing up there?

Mr. PAVEL. Actually, we had two active cells the fire burned down into. Before the fire was actually declared out, we were already moving in and harvesting.

Mr. CALVERT. You are having better luck, then.

Mr. PAVEL. Then within 3 weeks, we had an environmental assessment done and approval by our leadership to move forward. Currently, we moved off probably about almost 30 million board feet off the hillside.

But fortunately, we got 10 feet of snow that hit our mountains. We actually appreciate the level of snow, but that has slowed down our operations. But if there was not the snow there, we would still be trying to get as much out as we can.

Mr. CALVERT. That is great.

Ms. McCollum.

Ms. MCCOLLUM. Thank you. I think Mr. Kilmer might follow up on something else that I agree with, so I am going to let him talk about an idea that he has.

You talk about climate change. You talk about resiliency. What are some of the invasive pests that you are starting to see—and I will say this, being from Minnesota—in your neck of the woods?

Mr. PAVEL. So there is a whole different array. I think one of the key elements that you witness is how—I will use an example. Cheatgrass can take over a whole rangeland that can have an impact on how fire plays a role. That will change the interaction of the whole ecosystem. We have witnessed that. We had wild horses on our land that further deteriorate those habitats.

I think the kind of aquatic—the aquatic exotics and the landscape exotics are a very important priority on how we manage and try to get those off the reservation when they are there. But in general, in the Northwest, it is a whole series of those kind of things.

But for—and I am going to talk a little more fish on this. You know, where water gets warmer, you start seeing the impacts of exotic or, you know, fish that weren't naturally there—

Ms. MCCOLLUM. Right.

Mr. RIGDON [continuing]. Bass and some of those other sports fish are brought in. And those actually have a deep impact onto the ability for our juvenile fish to get out of the system and that heat thermal blocks and end up having a huge impact on the restoration work that a lot of tribes are doing in the Northwest.

Ms. MCCOLLUM. Mr. Chair, we have discussed moving fire crews off for life and health. But it also becomes an issue of property. This is your business, and so it is your property. It is business property. This isn't just your backyard that you don't care what happens to it, and you occasionally go out and enjoy it. This is a business for you.

I think we should talk to the folks involved and figure out how some of these decisions are made, being clear that I don't want to see anybody's home go down either. But this is a business. Just because it doesn't have a roof on it and four walls on it, it is a business, is it not?

Mr. RIGDON. And I think it is part of our business. It is part of what has supported our—it supports our government, and it supports our people in many ways.

But I also think the real important part is—is you have watched—you know, we actually sent a truck, a fire truck up to Spokane Tribe because they couldn't get any resources at all. You saw Colville, 250,000 acres burn up. We had hotshot crews that were pulled off of our fire and sent up here, and we are not against protecting homes and lives. I think that is a priority.

But sometimes some value needs to be put towards what that resource is to a community that—and the thing is we get nicked because we chose not to build homes and developments up in our forest land. We chose to leave that into a natural setting that supports our way of life and provides the ecological resources, but also the timber that supports our mill and our people. So with that value that we bring, we feel like we get knocked down, and we just want those priorities to be evened out to some capacity.

Ms. MCCOLLUM. Thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Mr. Kilmer.

Mr. KILMER. Thanks, Mr. Chairman, and thanks to the members who are here for your testimony.

As my hometown is right across the water from where Victoria is dumping the sewage, and we have tried to work with EPA and State Department, I may ask if we can call on some of the committee to help with that communication.

I actually want to thank Ed for mentioning the Treaty Rights at Risk document that was put out by the Northwest Indian Fisheries Commission. I actually think that should be required reading for every Member of Congress because it gives some indication of the real threat to the treaty obligations and the rights that you have.

I want to thank you for raising that issue and thank you for your testimony.

Mr. CALVERT. Well, I want to thank all of you for coming here today. We appreciate your testimony, and we will be working with you.

I know U.S. Forest Service needs to do a better job of interacting with everybody, and I hope the various tribes are having conversations with Chief Tidwell. We have challenges. We call it the U.S. Forest Services. Sometimes we call it the "U.S. Fire Service" nowadays because of the fires we have.

But we appreciate your testimony. Thank you.

Next, our next panel is Brian——

Mr. CLADOOSBY. Cladoosby.

Mr. CALVERT. Okay, Cladoosby. Good for you. Okay. Appreciate that.

Lloyd B. Miller, Ashley Tuomi, and Lisa Elgin. You all please come up.

Mr. CLADOOSBY. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you. Thank you. Appreciate it.

Mr. CLADOOSBY. I want to wish you a happy St. Patrick's Day, and to all the Irish in the crowd, happy St. Patrick's Day. And once a year—once a year, I get to be O'Brian Cladoosby.

Mr. CALVERT. Ah, there you go. [Laughter.]

Well, Mr. O'Brien Cladoosby, you are recognized for 5 minutes. Happy St. Patrick's Day.

THURSDAY, MARCH 17, 2016.

## NATIONAL CONGRESS OF AMERICAN INDIANS

### WITNESS

**BRIAN CLADOOSBY, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS**

Mr. CLADOOSBY. Chairman Calvert, Ranking Member McCollum, and members of this subcommittee, on behalf of the National Congress of American Indians, thank you for holding this Native public hearing specifically for tribal programs under the jurisdiction of this committee—subcommittee.

I would like to commend the hard work undertaken by members of this subcommittee to uphold the Federal trust in treaty obligations funded in this appropriations bill. Your commitment to addressing the budgetary needs for Indian Country has been strong, and Indian Country truly appreciates your understanding of the relationship between tribal success and Federal funding for tribal programs.

This hearing is so important because the Federal budget for Indian programs is one of the key measures of how and whether the Federal Government is fulfilling its Federal trust responsibilities towards tribal governments. Respect for tribal self-determination is essential for the ability of tribal governments to meet the basic public service needs of their citizens.

However, due to historical underfunding, inconsistent Federal budgets, and recent fluctuations in Federal funding, many tribes have faced continued emergencies in meeting the health, education, and public safety needs of their citizens. These services, services that every American expect, are not only intended to meet the needs of Native peoples, but also to benefit residents of surrounding communities.

NCAI's written testimony calls for equitable funding for tribal governments across the board and addresses specific proposals in the administration's budget. Overall, we appreciate the cross-agency coordination in this budget request and encourage Congress to recognize that the budgetary needs of Indian Country must be addressed across Federal agencies to be successful.

For example, it is not enough to boost funding for education and public safety without also addressing the need for housing for teachers and law enforcement personnel. A great example of an interrelated approach is the Tiwahe initiative. The Tiwahe initiative is a pilot program that addresses family and community well-being.

We must tackle the interrelated problems of high dropout rates, poverty, violence, substance abuse, and unemployment in Indian Country in a holistic manner to overcome historic trauma. We have seen tremendous progress in the last few years with Congress' support for Indian Country and self-determination in the Federal budget.

The fiscal year 2016 omnibus included substantial increases for BIA, BIE, IHS, and other core tribal government programs, and we are hopeful that the fiscal year 2017 budget will build on those investments made in Indian Country. Although tribes have made

some progress, there are still key examples of egregiously inadequate and underfunded services that many Americans routinely take for granted.

I have been appalled by what has occurred in Flint, Michigan, and I am pleased that Congress and the rest of the country is paying attention to what can happen when community infrastructure breaks down. But I am also appalled that no one is paying adequate attention to the infrastructure needs in Indian Country, which lag far behind the rest of the country.

We are still waiting for the infrastructure that might one day break down. Where is the outrage that our citizens have been living under comparable conditions for decades, with no plan for addressing the infrastructure problems in Indian Country? I ask you to consider this problem when the U.S. Commission on Civil Rights updates its report on the “Quiet Crisis” later this year. And thank you, Congressman Kilmer, for taking the lead on this.

The independent and bipartisan commission is undertaking a congressionally requested review of the Federal funding and unmet needs in Indian Country. We call on Congress to consider that long-term prioritization of core tribal programs, which is necessary to truly reverse the trends in the historical underfunding that have been longstanding and detrimental impacts on our tribal citizens and our communities.

BIA approves—or provides the funding for core tribal governmental services, such as law enforcement, tribal courts, Indian child welfare programs, social services, education, roads, and energy development. And NCAI urges Congress to adopt at least a 5 percent increase for BIA’s budget to counteract the historical underfunding of this agency.

For instance, since 2003, BIA has increased in nominal dollars by about 24 percent. While that seems like a significant increase, when adjusted for inflation, the fiscal year 2016 enacted level is still below the 2003 level by about 5 percent.

The IHS also faces major funding disparities compared to other Federal healthcare programs. The administration budget proposes an 8 percent increase for IHS overall to a total of \$5.2 billion. Yet the IHS Tribal Budget Formulation Workgroup requests a minimum of \$6.2 billion to maintain current services and provide for program expansions in the areas of preventive and behavioral health that are sorely lacking in tribal communities.

This would be a great step toward meeting the \$30 billion overall need for Indian Health Service, where we still only receive one half the healthcare funding per person that a Federal prisoner receives.

Congress must answer the moral and legal call to action so that Native peoples can look forward to improved prosperity and progress for future generations. Where tribes exercise self-determination, success stories abound. But we need you, in partnership with tribal governments, to pass a Federal budget for Indian Country that reflects and honors the trust responsibility of the United States.

Thank you, and I am happy to answer any questions.

[The information follows:]



## NATIONAL CONGRESS OF AMERICAN INDIANS

### U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies

Native Public Witness Hearing  
President Brian Cladoosby, National Congress of American Indians  
March 9, 2016

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#### Introduction

On behalf of the National Congress of American Indians (NCAI), we thank you for holding this Native Public Witness hearing specifically for tribal programs under the jurisdiction of this subcommittee. NCAI commends the hard work undertaken by the members of this subcommittee to uphold the federal trust and treaty obligations funded in this appropriations bill. As the most representative organization of American Indian and Alaska Native tribes, NCAI serves the broad interests of tribal governments across the nation. As the most representative organization of American Indian and Alaska Native tribes, NCAI serves the broad interests of tribal governments across the nation. As Congress considers the FY 2017 budget, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget. This testimony addresses the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and tribal programs in the Environmental Protection Agency.

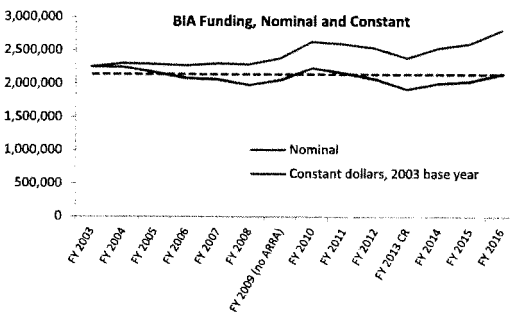
We have seen tremendous progress in the last few years with Congress's support for Indian Country and self-determination in the Federal budget. The FY 2016 Omnibus included substantial increases for BIA, Bureau of Indian Education (BIE), IHS, and other core tribal government programs and we are hopeful that the FY 2017 budget will build on the investments made in Indian Country in the Omnibus. Overall, we support efforts to address interrelated issues when possible. For instance, the Tiwahe initiative is a holistic approach to addressing family and community well-being. We have to tackle the inter-related problems of poverty, violence, substance abuse, and unemployment in Indian Country.

#### Federal Trust Responsibility

The relationship between tribal nations and the federal government is unique and founded on mutual promises. The obligations to tribes and their citizens funded in the federal budget reflect the trust responsibility. This solemn commitment is the result of treaties negotiated and agreements made between Indian tribes and the United States in exchange for land and resources. The trust responsibility commits the federal government to the protection of Indian lands; protection of tribal self-governance; and, provision of social, medical, and educational services for tribal citizens. The authority to fund programs that fulfill this responsibility is founded in the Constitution. In the course of American history, Indian tribes lost millions of acres of land through treaties and agreements, causing devastating losses through displacement and disruption of culture and religion. Tribal nations, however, continue to remember their treaties and agreements that made the United States what it is today. Moreover, tribes continue to defend their treaty-guaranteed rights and assert their powers of government, which emanate from the U.S. Constitution, treaties, acts of Congress, and presidential executive orders. Due to fluctuations in federal funding and the uncertain budget process, many tribes have faced continued emergencies in meeting the public service needs of their citizens. Funding decisions by the Administration and Congress are an expression of our nation's policy priorities, and the federal budget for tribal governmental services reflects the extent to which the United States honors its obligations to Indian people.

### Bureau of Indian Affairs

BIA provides the funding for core tribal governmental services, such as law enforcement and tribal courts, Indian child welfare programs, social services, Indian education, road maintenance, and energy development. The FY 2017 budget for Indian Affairs would be \$2.9 billion, an increase of \$137.6 million above the FY2016 level, an increase of about 5 percent. Increases include \$49 million for the Bureau of Indian Education's transformation, \$15 million for tribal climate resilience, \$12.9 million for Indian water rights, and \$21 million for the Tiwahe Initiative. NCAI urges Congress to adopt at least the 5 percent increase for BIA's budget to counteract the historic underfunding of the agency. For instance, since FY 2003, BIA funding has increased in nominal dollars by about 24 percent, but when adjusted for inflation, the FY 2016 enacted level is below the FY 2003 level by about 5 percent. The US Commission on Civil Rights will update its 2003 report on the "Quiet Crisis" later this year, which assessed federal funding and unmet needs in Indian Country. Long-term prioritization of core tribal programs is necessary to truly reverse the trends of historical underfunding that have had long-standing and detrimental impacts on our tribal citizens and our communities.



Ensuring tribal governments have the resources to meet the interrelated needs of their children, families, and communities are essential. Although Indian Country has much hope for our Native youth, our children are over represented in the foster care system, two and a half times their share of the population.<sup>ii, iii</sup> The Tiwahe Initiative, which tribes have undertaken in coordination with the Bureau of Indian Affairs, represents a promising approach to addressing the

interrelated problems of poverty, violence, and substance abuse in Indian communities.

Tribes are expanding and integrating job training and social services programs to address child and family welfare, job training, and incarceration issues to promote family stability. However, recent reports on reducing children's exposure to violence call for directing "sufficient funds to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States."<sup>iv</sup> Tribal courts, Indian Child Welfare Act programs, and social services are critical funding streams addressing child and family welfare. NCAI strongly supports the proposed increases for social services, Indian Child Welfare Act, Housing Improvement, and Job Placement and Training.

**Public Safety:** The increase proposed for tribal courts aligns with requested increases from tribal leaders for FY 2017 as well. Congress has strongly supported increases for BIA criminal investigations and police services in recent years, but tribal courts funding has not received similar increases. NCAI urges Congress to retain the increases proposed for tribal courts.

**Natural Resources:** The \$15 million proposed increase would support tribal communities in sustainable resource management. Tribal representatives on the Tribal Interior Budget Council have expressed strong support for Fish-Wildlife-and-Parks, Water Resources, and Natural Resources programs throughout the FY 2017 budget consultation meetings.<sup>v</sup>

**Bureau of Indian Education:** Education contributes to economic growth, while also expanding opportunities for individual advancement. For tribal communities, an educated citizenry serves as a catalyst to boost economic productivity and growth through a more highly-skilled workforce. In addition, investments in education strengthen the human capital across all sectors of society by attracting new businesses, reducing unemployment, and stimulating reservation economies through direct spending. However, low rates of educational attainment among American Indians and Alaska Natives continues to limit opportunity for economic success. In 2014, less than one in ten American Indians on reservations had a bachelor's degree or higher.

A major issue for BIE schools is the condition of BIE schools. According to prior testimony by the BIE, of the 184 BIE schools, 34 percent (63 schools) are in poor condition, and 27 percent are now over 40 years old. These substandard conditions are not conducive to educational success and impact the quality of education that the students receive. It is worth noting that a significant disparity exists in the treatment of BIE schools when compared to Department of Defense school funding, the other federally-run school system. Despite demonstrated need, the Department of the Interior has consistently proposed low levels of funding for replacement school funding when compared with Department of Defense schools. This is despite a demonstrated need of \$1.3 billion to clear the construction backlog at BIE schools.

The FY 2017 Budget Request for the Bureau of Indian Education proposes an increase of \$72 million for BIE activities and construction, including: \$24.6 million for Elementary and Secondary Education; \$2.1 million to fully fund Tribal Grant Support Costs; \$8 million for Education Program Management; \$6.5 million for the Indian School Equalization Program; \$16.8 million for education information technology to enhance broadband and digital access; \$6.6 million for scholarship and adult education and an increase of \$250,000 for Special Higher Education Scholarships; \$3.6 million for Johnson O'Malley. Education Construction would receive a total of \$138.3 million. The increase includes \$25.3 million for replacement school construction to complete construction on the final two schools on the 2004 replacement school priority list. Tribal leaders as part have strongly supported education in Indian Country, specifically scholarships and adult education as well as Johnson O'Malley. We urge Congress to retain these increases for education programs.

**Other Proposals:** The President's budget also proposes \$4 million in the BIA's budget to establish a One-Stop Shop approach to support Tribes in accessing hundreds of services across the Federal government and build on the "Native One-Stop" effort launched in 2015. Ensuring that other bureaus and agencies outside of BIA and IHS meet their trust responsibility to Indian tribes will benefit all of Indian Country, so long as the major base funding for tribes continues to receive support from Congress and the Administration.

BIA's FY 2017 budget includes a proposed data initiative of \$12 million to enable the DOI to work with tribes to improve Federal data quality and availability, to create a reimbursable agreement with Census to address data gaps in Indian Country, and to create an Office of Indian Affairs Policy, Program Evaluation, and Data. This initiative would support data-driven, tribal policy-making and program implementation. This committee has been asking for data on tribal programs for years. We hope this office will provide the opportunity to improve program evaluation and justification as well as helping this committee in oversight. While many tribes caution against funding for this initiative adversely affecting tribal funding in BIA's budget, the effort to improve federal data quality and available must be worthwhile. BIA's proposed budget also includes funding to evaluate outcomes in meeting social service needs and community development needs in Indian Country. Such efforts for improving program evaluation within BIA and in Indian Country will assist in ensuring that the BIA is meeting its federal trust responsibility.

### Indian Health Service

The Indian Health Service budget (IHS) request for FY 2017 of \$5.185 billion in budget authority is an increase of \$377.4 million (nearly 8 percent) above the FY 2016 enacted level. This FY 2017 Budget includes a long-term proposal to fully fund Contract Support Costs (CSC), which is done by the reclassification of IHS CSC to mandatory funding beginning in FY 2018. The Budget also proposes to provide increased resources to purchase health care services outside of IHS when services are not available at an IHS-funded facility. The President's budget would extend the 100 percent Federal Medical Assistance Percentage (FMAP) for services that are provided to AI/AN through IHS under the Medicaid program. This expansion would include the entire Indian health system, including Urban Indian Health Programs (UIHP), bringing the federal match to UIHPs in line with current law for IHS and other tribally-operated programs. For FY 2017, the Tribal Budget Formulation Workgroup requested \$6.2 billion for IHS. NCAI appreciates the bipartisan support for the Indian Health Service budget in Congress and we look forward to ongoing support for the IHS budget in providing much needed increases for the IHS budget.

### Environmental Protection Agency

Recognizing tribes and states as the primary implementers of environmental programs, the EPA continued funding its State and Tribal Assistance Grants program, which accounts for the largest percentage of the EPA's budget request at 39.7 percent, or \$3.3 billion. Further, for the third year in a row, EPA requests an increase of \$31 million for the Tribal General Assistance Program. These additional funds will assist tribes in capacity building and promote protections for the environment and human health. This reflects an increase in base funding available for GAP grants, which will: (1) increase the average size of grants made to eligible tribes while providing tribes with a stronger foundation to build tribal capacity; and (2) further the EPA's partnership and collaboration with tribes to address a wider set of program responsibilities and challenges. As the largest single source of the EPA's funding to tribes, the Tribal GAP grants assist tribes to establish the capacity to implement programs to address environmental and public health issues in Indian Country. NCAI continues to support increased funds for Tribal GAP grants.

### Conclusion

Thank you for this opportunity to share our concerns on programs that fulfill treaty and trust obligations in the federal budget. We look forward to working with this Subcommittee on a bipartisan basis once again this year.

<sup>i</sup> See NCAI Resolution ATL-14-084: Recommendations for Addressing the State of Emergency in Federal Underfunding of the Trust Responsibility

<sup>ii</sup> National Council of Juvenile and Family Court Judges (NCJFCJ), Disproportionality Rates for Children of Color in Foster Care, 2012

<sup>iii</sup> These calculations require (1) the child population (by race) for any given state or jurisdiction, available from the 2010 census data; and (2) the number of children in the child welfare system (by race), available from the National Data Archive on Child Abuse and Neglect's Adoption and Foster Care Analysis and Reporting System (AFCARS).

<sup>iv</sup> U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 51). Retrieved from

<http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>

<sup>v</sup> Tribal Interior Budget Council, FY 2017 priorities [http://www.ncai.org/initiatives/tibc/FY\\_2017\\_Top\\_Priorities.pdf](http://www.ncai.org/initiatives/tibc/FY_2017_Top_Priorities.pdf)

Mr. CALVERT. Thank you.  
 Mr. Miller. Good to see you again.

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THURSDAY, MARCH 17, 2016.

## NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

### WITNESS

**LLOYD B. MILLER, COUNSEL, NATIONAL TRIBAL CONTRACT SUPPORT  
COST COALITION**

Mr. MILLER. Good to see you, Mr. Chairman, Ranking Member McCollum, Mr. Kilmer.

My name is Lloyd Miller. I am with the National Tribal Contract Support Cost Coalition. We represent 21 tribes and intertribal organizations across 11 States, and we have for 20 years been working on the contract support cost issue.

It is a wonderful day to be here on that issue. In contrast to my colleagues' issues—the need is so great—but on contract support cost issues, this committee has found a brilliant solution to an intractable problem, and at long last, Congress is working in sync with the Supreme Court and in sync with the administration.

And I thank the chairman, the leadership of your staff, has just been a spectacular success, I think. It was a brilliant solution to create a separate account, which would protect all of your programs, and then have it be an indefinite appropriation so that there is no underfunding of those contracts. So thank you very much for your leadership in this.

The administration has proposed to move to a mandatory—move these funds over to the mandatory side of the budget. We appreciate how difficult that is. We appreciate how difficult that is this year. It is a long-term goal, and I would be remiss if I didn't express my support for it.

We are a little uneasy about the concept of a 3-year mandatory. We know how difficult it has been for the Special Diabetes Program to get reauthorized on the mandatory side because it has always been a short term. It has gone sometimes one year at a time. That would not be good for contract programs, where you are depending on long-term planning for running a hospital, a clinic, a police department.

The proviso that the committee included is a problem, and we would ask the committee's indulgence in considering striking the proviso. I wanted to bring for the committee's information three statutes—25 U.S.C. 13(a), 25 U.S.C. 1450(j)(1), and 25 U.S.C. 458(aaa)(7)(i). All of these address what happens when funds in a given year are not spent in the next year.

The proviso, which was added, would be a fourth measure. It is a little bit in conflict with these other three measures, and it adds considerable complexity for the accounting side of things for tribes. So we would hope the committee would consider going forward removing that proviso.

The second thing I wanted to talk about was progress with the agencies since I think this doesn't involve appropriations dollars, per se, but I think the committee is keenly interested in what is

going on with the agencies. You instructed the agencies to develop streamlined processes for determining the amount of contract support cost that are owed to the tribes and then for accounting how much they paid, have consistent rules for determining contract support cost amounts.

I have for the committee the BIA's proposed contract support cost policy, which is—looks like it is in a 13 font, and it is 5 pages. Then I have the Indian Health Service proposal, which is 25 pages and in a 10 font. Neither one of these has been adopted.

[The information follows:]

## **Indian Affairs Manual (IAM) Chapter**

**Number: XX IAM XX**

**Title: Contract Support Costs**

### **1. Purpose**

When a tribe enters into an agreement under the ISDEAA, the tribe is entitled to receive contract support costs as provided by law pursuant to 25 U.S.C. § 450j-1. Congress has determined that the single greatest impediment to the success of tribal self-determination was the failure to pay contract support costs (CSC). In 2006, the BIA and tribes collaboratively developed National Policy Memorandum NPM-SELFD-1, Contract Support Costs. This chapter updates that policy.

The purpose of this policy is to provide guidance for the full payment of CSC and to ensure that the payment of CSC is accurate, timely, and meets 100 percent of the tribe's CSC need as calculated under this policy. Further, this policy simplifies and streamlines CSC calculation to expedite payment.

This policy explains how BIA calculates and pays contract support costs, as required by the ISDEAA. This policy is not a regulation establishing program requirements.

### **2. Scope**

This policy applies to all Indian Affairs (IA) employees and to agreements made under Title I and Title IV of the ISDEAA.

### **3. Policy**

Section 106 of the ISDEAA (25 U.S.C. § 450j-1) authorizes funding for four types of CSC: pre-award, startup, direct, and indirect. Pre-award CSC are costs incurred before the start of an agreement (25 U.S.C. § 450j-1(a)(6)). Startup CSC are costs incurred on a one-time basis during the initial year that the agreement is in effect (25 U.S.C. § 450j-1(a)(5)). Direct CSC are costs incurred in connection with direct administration of the program. (25 U.S.C. § 450j-1(a)(3)(A)(i)). Indirect CSC are "any additional administrative or other expense[s] related to the overhead incurred by the tribal contractor in connection with the operation of" the program. (25 U.S.C. § 450j-1(a)(3)(A)(ii)). All costs associated with a program, including CSC, shall be reviewed for reasonableness, allowability, and allocability based on the terms of the agreement and applicable cost principles. Further, all costs associated with a program, including CSC, shall be reviewed for duplication of funding for cost among cost categories (Secretarial Amount, Direct Contract Support Costs, Indirect Contract Support Costs, Pre-Award Costs and Startup Costs). (25 U.S.C. § 450j-1(a)(3)(A)).

#### **4. BIA CSC Workgroup**

The BIA CSC Workgroup is comprised of Federal and Tribal individuals who possess knowledge of CSC issues. The BIA shall convene the Workgroup at least annually via teleconference, webinar, or on-site meeting. The Workgroup provides advice and guidance to the BIA in the development of BIA CSC policy and proposed common language (if any) for funding agreements, and in the ongoing management of CSC issues. The Workgroup is not a substitute for Tribal consultation and provides technical advice for the benefit of both Tribes and the BIA.

#### **5. Definitions**

Definitions can be found at 25 U.S.C. § 450b; 25 C.F.R. §§ 900.6 and 1000.2; and in the *DOI/HHS Internal Agency Procedures Handbook for Non-Construction Contracting Under Title I of the Indian Self-Determination and Education Assistance Act* (1999) available at <http://www.bia.gov/cs/groups/xois/documents/collection/idc013271.pdf>.

#### **6. Pre-Award CSC (25 U.S.C. § 450j-1(a)(6))**

*Pre-award CSC* are incurred to plan, prepare for, and assume the operation of a program that is the subject of a new or expanded agreement. *See attachment for examples.* To recover pre-award CSC, a tribe must notify the Awarding Official (for self-determination contracts) or the Office of Self-Governance (OSG) (for self-governance funding agreements) in writing, detailing the nature and extent of the costs, before incurring the costs and before the initial year of the agreement. Pre-award costs shall be reimbursed only if the tribe gives the Awarding Official or OSG, as applicable, prior written notice of the nature and extent of the costs before they are incurred.

The Awarding Official or OSG, as applicable, shall (1) review a funding request for pre-award costs for cost reasonableness, allowability, and allocability; (2) explain in writing which costs, if any, should be funded and recommend a funding amount; and (3) forward the request within 30 days of receipt, along with a written recommendation, to the Office of Indian Services (OIS). OIS shall review the request and recommendation, determine whether the costs are eligible pre-award costs and allocate funds for any award within 30 days of receipt of the recommendation. If a request for pre-award CSC funding is declined in whole or in part, OIS shall issue a declination letter to the requester within 90 days of the Secretary's receipt of the request. If a request for pre-award CSC funding is approved in whole or in part, the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) shall ensure that there is no duplication of funding for cost among cost categories (Secretarial Amount, Direct Contract Support Costs, Indirect Contract Support Costs, Pre-Award Costs and Startup Costs).

Pre-award CSC shall be funded, by reimbursement, as a one-time, non-recurring payment and shall be calculated based on actual expended costs.

**7. Startup CSC (25 U.S.C. § 450j-1(a)(5))**

*Startup CSC* are incurred on a one-time basis during the initial year that an agreement is in effect. *See attachment for examples.* To recover startup CSC, a tribe must provide the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) a written budget identifying such costs.

The Awarding Official or OSG, as applicable, shall (1) review a funding request for startup costs for cost reasonableness, allowability, and allocability; (2) explain in writing which costs, if any, should be funded and recommend a funding amount; and (3) forward the request, within 30 days of receipt, along with a written recommendation, to OIS. OIS shall review the request and recommendation, determine whether the costs are eligible startup costs and allocate funds for any award within 30 days of receipt of the recommendation. If a request for startup CSC funding is declined in whole or in part, OIS shall issue a declination letter to the requester within 90 days of the Secretary's receipt of the request. If a request for startup CSC funding is approved in whole or in part, the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) shall ensure that there is no duplication of funding for cost among cost categories (Secretarial Amount, Direct Contract Support Costs, Indirect Contract Support Costs, Pre-Award Costs and Startup Costs).

Startup CSC shall be funded as a one-time, non-recurring payment.

**8. Direct CSC (25 U.S.C. § 450j-1(a)(3)(A)(i))**

*Direct CSC* (DCSC) shall be calculated annually by the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) as follows:

DCSC = (current budgeted salary cost of BIA 106(a)(1) programs, excluding fringe) x 15%. DCSC is part of the direct cost base from which IDC is calculated.

**9. Indirect CSC (25 U.S.C. § 450j-1(a)(3)(ii))**

*Indirect CSC* shall be calculated by the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) based on the tribe's current approved indirect cost (IDC) rate(s), as follows:

Indirect CSC = Current approved indirect cost rate(s) x (the section 106(a)(1) amount ("Secretarial Amount") awarded to the tribe, minus exclusions and pass-through).

If the tribe has no approved IDC rate or has an approved IDC rate that is over four years old (e.g., in 2015, the latest approved rate issued for the years 2012, 2013, 2014, or 2015 is acceptable), BIA or OSG will negotiate with the tribe a lump-sum amount for indirect-type costs or the tribe can recover its total CSC need using the Simplified Method, if applicable. If the tribe does not initiate any of these options, IA will not pay the tribe any indirect CSC.

- **Negotiated Lump Sum Amount**

Tribes that met the single-audit threshold in the prior fiscal year and do not have an approved IDC rate that is four or fewer years old may negotiate with the Awarding Official or OSG, as applicable, a lump-sum amount for indirect-type costs. The amount negotiated will be effective for the entire contract year and the tribe will be required to have a new approved IDC rate or a new negotiated lump-sum amount for each succeeding contract year.

- **Simplified Method**

Tribes that did not meet the single-audit threshold in the prior fiscal year and do not have an approved IDC rate that is four or fewer years old, may have their indirect CSC calculated at 30% of the section 106(a)(1) amount ("Secretarial Amount") that the tribe receives, minus exclusions and pass-through. The calculated amount will be independently assessed each year.

## **10. Overpayment of CSC**

A CSC overpayment is any amount paid over the amount calculated under this policy. A CSC overpayment is determined at the end of the tribe's fiscal year, without regard to the later issuance of a different IDC rate for that period. The Awarding Official or OSG will follow a process which allows tribes to respond to overpayment determinations or identify errors or corrections in CSC payment calculations. No overpayment determination shall result in a bill of collection until the procedure set out in the Financial Management Collection Procedures Handbook is completed.

## **11. Underpayment of CSC or Other Adjustments**

Tribes may notify Awarding Officials or OSG of possible CSC underpayments or other adjustments, errors or corrections, as they are identified.

The IDC rate that will be applied is the applicable rate at the end of the tribe's fiscal year. No adjustments to that IDC rate will be made after the end of the tribe's fiscal year, without regard to the later issuance of a different IDC rate for that period.

Section 106(a)(1) funds will generate CSC in the year in which they are awarded, regardless of the year for which they were appropriated.

## **12. CSC Annual Report to Congress**

25 U.S.C. § 450j-1(c) requires that the BIA provide Congress with a detailed report on the implementation of the ISDEAA no later than May 15 of each year.

For this report, by January 15 of each year:

- Regions and OSG shall provide each tribe within their jurisdiction a copy of the tribe's data that appears in the report and at least 30 days to identify any errors or omissions in the tribe's data.
- The Regional Director and OSG shall submit to OIS a certified report for the previous

*Draft – For Discussion and Collaborative Purposes*

fiscal year ended September 30. OIS shall prepare the template for the report.

By March 15 of each year, the Regional Director and OSG shall submit to OIS certified corrections or changes to the data which result from tribal review.

The BIA shall forward the report to the Assistant Secretary – Indian Affairs for approval by April 15, so that the report can be submitted to Congress by May 15. After the report is submitted to Congress, OIS shall provide copies of the report to OSG and each Region. Each Region and OSG shall provide a copy of the report to all tribes within their jurisdiction.

**13. Disputes**

Any unresolved disputes will be handled according to the regulations at 25 CFR parts 900 and 1000.

**14. Effective Date****15. Approvals**

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Lawrence S. Roberts  
Acting Assistant Secretary-Indian Affairs

[Date]

*Draft – For Discussion and Collaborative Purposes***ATTACHMENT: Examples of Pre-award, Startup, and Direct CSC**

This list is for illustrative purposes only. Each item of cost shall be reviewed for allowability, reasonableness, and allocability based on the terms of the agreement and applicable cost principles.

Pre-award CSC

- Costs of developing or redesigning program management standards
- Costs of planning program delivery
- Costs of developing specialized financial, procurement, and property management systems to handle program requirements
- Costs of administrative and/or program management systems

Startup CSC

- Cost of computer hardware and software purchased to plan, prepare for, and assume operation of the program
- Cost of providing discipline-specific training for staff to assume operation of the program

Direct CSC

- Unemployment taxes on direct program salaries
- Workers compensation insurance on direct program salaries
- Cost of retirement for converted Civil Service salaries
- Insurance to the extent not already made available in the Secretarial amount
- Facilities support costs (rent, leases, security, maintenance and utilities) to the extent not already made available by the Secretary
- Training required to maintain certification of direct program personnel to the extent not already made available by the Secretary
- Any other item of cost that meets the definition of CSC at Section 106(a)(2) but that is not included in the awardee's IDC pool or Section 106(a)(1) amount, such as communications (long distance calls, telefax costs, internet, maintenance agreements) and postage (including express mail)

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**Part 6 - Services To Tribal Governments And Organizations**  
**Chapter 3 - Contract Support Costs**

<u>Title</u>	<u>Section</u>	<u>Commented [A1]: Exhibits are an important part of this policy and will be included later</u>
<u>Introduction</u>	6-3.1	
<u>Purpose</u>	6-3.1A	
<u>Guiding Principles</u>	6-3.1B	
<u>Supremacy of the ISDEAA</u>	6-3.1C	
<u>Background</u>	6-3.1D	
<u>Policy</u>	6-3.1E	
<u>Authorizing Legislation</u>	6-3.1F	
<u>Definitions</u>	6-3.1G	
<u>Determining CSC Amounts</u>	6-3.2	
<u>Categories of ISDEAA Funding: Secretarial Amount, Pre-award, Startup, DCSC, and Indirect CSC</u>	6-3.2A	
<u>Determining CSC Requirements – Statutory Factors that Determine Eligible Costs</u>	6-3.2B	
<u>Startup and Pre-Award Costs</u>	6-3.2C	
<u>Direct CSC</u>	6-3.2D	
<u>Indirect CSC</u>	6-3.2E	
<u>CSC Payments</u>	6-3.3	
<u>Withdrawal</u>	6-3.3A	
<u>Initial Funding Period – New and Expanded Contracts</u>	6-3.3B	
<u>Ongoing Awards</u>	6-3.3C	
<u>Roles and Responsibilities</u>	6-3.4	
<u>Overview – New and Expanded CSC Requests</u>	6-3.4A	
<u>New and Expanded CSC Negotiations</u>	6-3.4B	
<u>Ongoing Awards</u>	6-3.4C	
<u>Other CSC Responsibilities</u>	6-3.4D	
<u>CSC Reports</u>	6-3.5	
<u>Reporting and Documenting Amounts of CSC Available, Needed, and Requested</u>	6-3.5A	
<u>Annual CSC Funding Report to Tribes</u>	6-3.5B	
<u>Annual CSC Report to Congress</u>	6-3.5C	
<u>Exhibit</u>	Description	
<u>Manual Exhibit 6-3-A</u>	Title 25, Chapter 14,	

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	Miscellaneous, Subchapter II, Indian Self-Determination and Education Assistance, Part A "Indian Self- Determination," Section 450j-1 and Section 450j-2
<u>Manual Exhibit 6-3-B</u>	Contract Support Cost Calculation Based on a Detailed Analysis
<u>Manual Exhibit 6-3-C</u>	Contract Support Cost Calculation Using the 80/20 Method
<u>Manual Exhibit 6-3-D</u>	Annual Contract Support Cost Calculation Tool (ACC) with instruction and supporting worksheets
<u>Manual Exhibit 6-3-E</u>	Currently proposed pilot Projects Including E1 - Fixed CSC Implementation Guidelines E2 - Fixed 15% DCSC Implementation Guidelines E3 - IHS reconciliation Pilot Project Guidelines
<u>Manual Exhibit 6-3-F</u>	Contract Support Costs Report
<u>Manual Exhibit 6-3-G</u>	Indian Self- Determination Funding Request
<u>Manual Exhibit 6-3-H</u>	Standards for Review and Approval of Contract Support Costs in the Indian Health Service

### 6-3.1 INTRODUCTION

A. **Purpose.** This Chapter of the Indian Health Manual (Chapter) provides guidance to both Tribal and Agency personnel in the preparation, negotiation, determination, payment, and reconciliation of contract support costs (CSC) funding in support of new, expanded, and/or ongoing Indian Self-Determination and Education Assistance Act (ISDEAA), 25 United States Code (U.S.C.) Section (§) 450 et seq., contracts and compacts. The Chapter provides instructional guidance on the following:

1. determination of amounts of pre-award, startup, direct, and indirect CSC funding;
2. payment of CSC funding to awardees;
3. reconciliation of CSC payments to awardees; and
4. reporting by IHS to all Tribes and to Congress.

These instructions are not regulations establishing program requirements and are issued consistent with 25 Code of Federal Regulations (C.F.R.) § 900.5, which states:

Except as specifically provided in the [ISDEAA], or as specified in subpart J, an Indian tribe or tribal organization is not required to abide by any unpublished requirements such as program guidelines, manuals, or policy directives of the Secretary, unless otherwise agreed to by the Indian tribe or tribal organization and the Secretary, or otherwise required by law.

The development of this Chapter has involved the active participation of representatives from American Indian and Alaska Native Tribes. The procedures discussed here will be applied to contracts and compacts awarded pursuant to Title I and Title V, respectively, of the ISDEAA, as amended.

B. **Guiding Principles.** This Chapter was drafted in accordance with the following guiding principles:

1. The process should be simple and efficient.
2. The Chapter assumes full funding of CSC.
3. To the maximum extent practicable, the Chapter should align with the Bureau of Indian Affairs (BIA) CSC policy.
4. The Chapter is designed to assure that the perfect does not become the enemy of the good.
5. The Chapter assures accountability.
6. The Chapter is intended to minimize future litigation.
7. The Chapter avoids putting at risk past CSC settlements.
8. The Chapter assures that post year-end reconciliation will not take several years.

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9. The Chapter has been developed and will be implemented in accordance with the government-to-government relationship.
10. The Chapter provided needed certainty for the Agency and Tribes and Tribal organizations.
11. The Chapter has received broad support across Tribes and Tribal organizations.
12. The Chapter is designed to minimize burdens imposed upon Tribes and IHS.
13. The Chapter is designed to assure consistency.
14. The Chapter is designed to assure transparency.
15. The Chapter is designed to assure integrity in the government-to-government relationship.
16. The Chapter has been built on trust amongst the IHS, Tribes, and Tribal organizations.
17. The Chapter will be supplemented with regular training for IHS and Tribal personnel to assure consistency in its application.
18. The Chapter will be reassessed on a regular basis.

**C. Supremacy of the ISDEAA.**

Nothing in this Chapter is intended to limit an ISDEAA contractor/compactor's right to be paid the full CSC amount under the ISDEAA. If a contractor/compactor believes that it has not been fully paid, it may request additional CSC funding from IHS and, if agreement cannot be reached, must invoke the remedies available in 25 U.S.C. § 450m-1.

Nothing in this Chapter is intended to alter, in any way, IHS's obligations or authority under the ISDEAA. In the event of any apparent conflict, the ISDEAA supersedes this Chapter.

**D. Background.** All policies and circulars concerning the administration of CSC by IHS have been developed and revised through coordination and consultation with Tribes. The CSC policies and circulars developed and revised to date include:

1. Indian Self-Determination Memorandum No. 92-02, "Contract Support Cost Policy," signed by Dr. Everett Rhodes, February 27, 1992.
2. Indian Health Circular No. 96-04, "Contract Support Costs," signed by Dr. Michael Trujillo, April 12, 1996.
3. Indian Health Circular No. 2000-01, "Contract Support Costs," signed by Dr. Michael Trujillo, January 20, 2000.
4. Indian Health Circular No. 2001-05, "Contract Support Costs," signed by Dr. Michael Trujillo (Michael E. Lincoln. for), July 6, 2001.
5. Indian Health Circular No. 2004-03, "Contract Support Costs," signed by Dr. Charles W. Grim, September 1, 2004.

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6. **Indian Health Service Manual, Part 6, Chapter 3, "Contract Support Costs,"** signed by Dr. Charles W. Grim, April 6, 2007.

This version of the Chapter is the successor to the same Chapter implemented on April 6, 2007. The changes in this successor version of the Chapter are provided to streamline and simplify the processes for the determination, payment, and reconciliation of full CSC funding under the ISDEAA. The IHS will continue to reassess the Chapter on a regular basis, and further changes will only be implemented after Tribal consultation. This Chapter replaces and supersedes all previous versions of the CSC policy, including previous versions of this Chapter.

- E. **Policy.** The IHS will provide for a uniform and equitable system of determining, paying, and reconciling CSC funds for new, expanded, and ongoing ISDEAA compacts and contracts and preserve and support each awardee's right to contract/compact under the ISDEAA.

- F. **Authorizing Legislation.**

1. Transfer Act, Title 42, U.S.C. § 2001
2. Title I of the ISDEAA
3. Title V of the ISDEAA

- G. **Definitions.**

1. **Award.** An agreement authorized under Title I (contract) or Title V (compact) of the ISDEAA, including the associated annual funding agreement (AFA) or funding agreement (FA).
2. **Awardee.** A Tribe or Tribal organization that receives an ISDEAA award as defined above. *See also* Contractor.
3. **Annual CSC Report to Congress.** Report provided to Congress from the IHS Director pursuant to 25 U.S.C. § 450j-1(c); including "an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted."
4. **Buy-Back Services.** Services contracted by a Tribe but that it "buys back" from IHS and, accordingly, IHS provides pursuant to a full-cost reimbursement agreement with the Tribe. Costs of buy-back services may be included in the direct cost base, depending upon the Tribe's indirect cost (IDC) rate agreement.
5. **Contract Proposal.** A proposal for programs, functions, services, or activities (PFSA or PSFA) that the Secretary, Department of Health and Human

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Services (HHS), is authorized to perform, but which a Tribe or Tribal organization is not currently carrying out. The requirements of a Self-Determination contract proposal are found in 25 C.F.R. § 900.8.

6. **Cognizant Agency.** The Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or IDC proposals developed under 2 C.F.R. Part 200 on behalf of all Federal agencies. The cognizant agency for IDC is not necessarily the same as the cognizant agency for audit. For assignments of cognizant agencies see 2 C.F.R. Part 200.
7. **Contract Support Costs Awarded.** Total CSC funding allocated to an awardee.
8. **Contract Support Costs Need or Requirement.** The full amount of CSC funding for new, expanded, and ongoing contracts or compacts, as determined under this Chapter pursuant to 25 U.S.C. § 450j-1(a).<sup>1</sup>
9. **Contractor.** A Tribe or Tribal organization that receives an ISDEAA award as defined above. *See also* Awardee.
10. **Direct Cost Base.** The accumulated direct costs (normally either total direct salaries and wages or total direct costs exclusive of any extraordinary or distorting expenditures) used to distribute IDC to individual Federal awards. The direct cost base for each year is determined by a negotiation between each Tribe and its cognizant Federal agency.
11. **Direct CSC (DCSC).** Direct program expenses for the operation of the ISDEAA Programs that are the subject of the award, that otherwise meet the definition of CSC in 25 U.S.C. § 450j-1(a).
12. **Exclusions.** Direct expenditures excluded from the direct costs in order to calculate the direct cost base to which the IDC rate is applied. These types of expenditures vary by Tribe and are defined in the IDC rate agreement.
13. **Expanded PSFA.** Expansion of a PSFA through the assumption of additional PSFAs previously operated by IHS, the assumption of programs previously operated under awards to other awardees, the assumption of a new facility (such as

<sup>1</sup>IHS and Tribal members of the CSC Workgroup have differing interpretations of what costs are eligible to be paid as CSC under the ISDEAA. IHS believes the plain language of the ISDEAA makes it clear that, to be eligible for CSC funding, a cost and the underlying activity must meet the definition of CSC in 25 U.S.C. § 450j-1(a)(2), which requires (among other things) that the underlying activity is one that IHS does not normally carry on or provided from resources not transferred in the contract. Tribal members of the CSC Workgroup, however, take the position that 25 U.S.C. § 450j-1(a)(3) requires a similar calculation that is calculated by considering funding rather than the underlying activities.

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increased staff associated with a joint venture agreement), and increases due to new appropriations (excluding general program increases and increases for inflation, pay costs, population growth, and the Indian Health Care Improvement Fund).

14. **Indirect Costs.** Costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved.
15. **Indirect CSC.** Administrative or other expenses related to the overhead incurred by a Tribal contractor in connection with the operation of ISDEAA programs pursuant to the contract and that otherwise meet the definition of CSC in 25 U.S.C. § 450j-1(a)(2)-(3).
16. **Ineligible Funding.** Categories of funding not eligible for inclusion in the calculation of CSC funding because the related activities are not PSFA transferred and funded under 25 U.S.C. § 450j-1(a)(1).
17. **Indian Self-Determination Programs (ISDEAA Programs).** The PSFAs associated with an ISDEAA award that are eligible for CSC funding in accordance with this Chapter.
18. **New PSFA.** ISDEAA Programs that are being assumed by the awardee and transferred by IHS for the first time in the current contract period, including new PSFA available due to new appropriations (excluding general program increases and increases for inflation, pay costs, population growth, and the Indian Health Care Improvement Fund).
19. **Non-Indian Self-Determination Programs.** All awardee-operated programs, exclusive of PSFAs associated with an ISDEAA award, which are not eligible for CSC funding.
20. **Non-Recurring Funds.** Funds that require an annual justification. Some types of non-recurring funds provided for ISDEAA programs are included in the direct cost base.
21. **Ongoing Programs.** All awardee-operated PSFA that were assumed by the Tribe or Tribal organization prior to the current contract period.
22. **Pass-Through Expenditures.** Similar to exclusions in that they may be excluded from the direct cost base to which the IDC rate is typically applied, though such expenditures also may be assigned a lower nominal IDC rate. The IDC rate(s) should be applied to such expenditures, consistent with the IDC rate agreement.
23. **Pre-award Costs.** Costs incurred before the initial year that an award is in effect may be eligible for CSC funding. CSC funding is authorized for pre-award

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costs only if they meet the definition in the ISDEAA in 25 U.S.C. § 450j-1(a)(2)-(3), (6), and the Secretary receives a written notification of the nature and extent of the costs prior to the date on which such costs are incurred.

24. **Programs, Services, Functions, and Activities.** Those PSFA that are contractible under the ISDEAA, as amended, including those administrative activities that support such PSFA, and that are otherwise contractible, without regard to the organizational level within the HHS that carries out such functions (as authorized under 25 U.S.C. § 450 et seq.).
25. **Reconciliation.** Review by IHS and a Tribe of the Tribe's total CSC requirement and payments made by IHS, including during the course of the contract year and for the purpose of issuing a final contract amendment.
26. **Recurring Funds.** Contract or compact funds that do not require annual justification to the Secretary are recurring funds. Annual increases may be provided through congressional increases or other resource allocation methodologies applicable to the respective funding category of the award.
27. **Retained Services.** Funding which is eligible to be contracted but for which the awardee has chosen not to contract, and thus, for which the IHS has retained associated funding.
28. **Secretarial, or 106(a)(1), Amount.** The amount of funds provided for the PSFA transferred under the award, per 25 U.S.C. § 450j-1(a)(1).
29. **Self-Governance Request.** A self-governance request is any one of the following requests from a Tribe or Tribal organization. A request:
  - a. to enter into the Self-Governance Program for the first time, including Title V; or
  - b. to join an existing Self-Governance compact; or
  - c. to negotiate for new or expanded programs in a subsequent year's compact or FA from a Tribe with an existing self-governance agreement.
30. Service Unit Shares – definition to be included
31. Service Unit Shares – definition to be included
32. **Startup Costs.** Costs incurred on a one-time basis during the initial year that an award is in effect that may be eligible for CSC funding. CSC funding is authorized for startup costs only if the costs meet the definition of CSC in 25 U.S.C. § 450j-1(a)(2)-(3), (5).

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33. **Total CSC Shortfall or Overpayment.** The difference between the total CSC requirement and the total CSC paid to the awardee.
34. **Total Health Care Program.** The health care program operated by the Tribe from all resources, including but not limited to IHS, other Federal and State agencies, Tribal contributions, and collections from Medicare, Medicaid, and private insurance.
35. **Tribal Shares.** For the purposes of this Chapter, refers only to an awardee's equitable share of PSFA associated with Area Office or Headquarters resources (including Tribal shares of discretionary IHS grants), notwithstanding the definition of Tribal shares set forth in 25 U.S.C. § 458aaa(a)(8).

#### 6-3.2 DETERMINING CSC AMOUNTS<sup>2</sup>

##### A. **Categories of ISDEAA Funding: Secretarial Amount, Pre-award, Startup, DCSC, and Indirect CSC.**

The ISDEAA, 25 U.S.C. § 450j-1(a)(1)-(3), (5), (6), authorizes funding of an award, including the Secretarial amount and CSC. 25 U.S.C. § 450j-1(a)(1) provides for the Secretarial amount:

The amount of funds provided under the terms of self-determination contracts entered into pursuant to this [Act] shall not be less than the appropriate Secretary would have otherwise provided for the operation of the programs or portions thereof for the period covered by the contract, without regard to any organizational level within the Department of the Interior or the Department of Health and Human Services, as appropriate, at which the program, function, service, or activity or portion thereof, including supportive administrative functions that are otherwise contractible, is operated.

Commented [A2]: FOOTNOTE: IHS and Tribe are in discussion on local (or final) language for footnote it is discussion.

<sup>2</sup> IHS and Tribal members of the CSC Workgroup have differing interpretations of what costs are eligible to be paid as CSC under the ISDEAA. IHS believes the plain language of the ISDEAA makes it clear that, to be eligible for CSC funding, a cost and the underlying activity must meet the definition of CSC in 25 U.S.C. § 450j-1(a)(2), which requires (among other things) that the underlying activity is one that IHS does not normally carry on or provide from resources not transferred in the contract. Tribal members of the CSC Workgroup, however, take the position that the plain language of the ISDA, including 25 U.S.C. § 450j-1(a)(3), define contract support costs to include both funds required for administrative and other overhead expenses and 'direct' type expenses of program operation, and that in the event the Secretarial amount for a particular function, activity or cost proves to be insufficient in light of a contractor's needs for prudent management of the contract, contract support costs are to be available to supplement such sums. The ISDEAA also requires that "[e]ach provision of the [statute] and each provision of [the] Contract shall be liberally construed for the benefit of the Contractor[.]" § 450(j)(c) (Model Agreement Section 1(a)(2)).

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In addition, 25 U.S.C. § 450j-1(a)(2) authorizes CSC funding:

There shall be added to the amount required by paragraph (1) contract support costs which shall consist of an amount for the reasonable costs for activities which must be carried on by a tribal organization as a contractor to ensure compliance with the terms of the contract and prudent management, but which—

- A. normally are not carried on by the respective Secretary in his [or her] direct operation of the program; or
- B. are provided by the Secretary in support of the contracted program from resources other than those under contract.

The statute further identifies four categories of CSC funding. DCSC and indirect CSC are defined in 25 U.S.C. § 450j-1(a)(3):

(A) The contract support costs that are eligible costs for the purposes of receiving funding under this [Act] shall include the costs of reimbursing each tribal contractor for reasonable and allowable costs of—

- i. direct program expenses for the operation of the Federal program that is the subject of the contract, and
- ii. any additional administrative or other expense related to the overhead incurred by the tribal contractor in connection with the operation of the Federal program, function, service, or activity pursuant to the contract,

except that such funding shall not duplicate any funding provided under [25 U.S.C. § 450j-1(a)(1)].

(B) On an annual basis, during such period as a tribe or tribal organization operates a Federal program, function, service, or activity pursuant to a contract entered into under this [Act], the tribe or tribal organization shall have the option to negotiate with the Secretary the amount of funds that the tribe or tribal organization is entitled to receive under such contract pursuant to this paragraph

The ISDEAA also defines startup and pre-award costs in 25 U.S.C. § 450j-1(a)(5)-(6):

(5) Subject to paragraph (6), during the initial year that a self-determination contract is in effect, the amount required to be paid under paragraph (2) shall include startup costs consisting of the reasonable costs that have been incurred or will be incurred on a one-time basis pursuant to the contract necessary –

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(A) to plan, prepare for, and assume operation of the [PFSA] that is the subject of the contract; and

(B) to ensure compliance with the terms of the contract and prudent management.

(6) Costs incurred before the initial year that a self-determination contract is in effect may not be included in the amount required to be paid under paragraph (2) if the Secretary does not receive written notification of the nature and extent of the costs prior to the date on which such costs are incurred.

**B. Determining CSC Requirements – Statutory Factors that Determine Eligible Costs.**

The definition of CSC in 25 U.S.C. § 450j-1(a)(2)-(3), as amended, establishes certain statutory criteria for determining which costs are eligible for any category of CSC funding.

Since Tribes often operate more than one program, many of the costs incurred by the awardee are paid through an IDC allocation process, usually negotiated by the "cognizant agency" as identified under the applicable Office of Management and Budget (OMB) regulations at 2 C.F.R. Part 200 and the HHS regulations at 45 C.F.R. Part 75. In the case of ISDEAA awards, both the Secretarial amount and CSC funding include funding for both direct and indirect costs.

25 U.S.C. § 450j-1(a)(3) authorizes awardees to be paid CSC funding for eligible costs, whether they are "indirect" in nature (benefitting multiple programs) or additional costs associated with operating a single program, subject to all of the requirements for CSC funding in 25 U.S.C. § 450j-1(a).

IHS and the Tribe will review a CSC request to ensure that all costs are eligible under 25 U.S.C. § 450j-1(a) and to identify duplication, if any, between pre-award, startup, DCSC, and indirect CSC funding.

The procedures outlined in this Chapter are intended to ensure that CSC requirements are accurately identified based on the statutory definition of which costs are eligible for CSC funding, as provided in 25 U.S.C. 450j-1(a)(2)-(3), (5)-(6).

Duplication, if any, between pre-award, startup, DCSC, and indirect CSC funding will be assessed after first considering each cost proposed by the Tribe to determine whether it is eligible for CSC funding under 25 U.S.C. § 450j-1(a). Examples of pre-award, startup, and DCSC are discussed in the standards in Manual Exhibit 6-3-H.

When awardees choose to use sub-awards with Tribes or Tribal organizations (that in all respects meet the requirements to contract directly with the IHS, but choose,

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through Tribal resolution, to subcontract to carry out IHS PSFA), to carry out all or part of the PSFA transferred, the eligible costs of the Tribal sub-awardee may also be included in the CSC requirement of the awardee. For CSC on sub-awards, the costs and amounts requested for the sub-awardee will be analyzed and negotiated. Amounts may be considered duplicative to the extent that CSC funding for these costs has already been included in the CSC requirement of the awardee.

**C. Startup and Pre-Award Costs.**

The amount of CSC funding to be awarded for startup and pre-award costs shall be negotiated consistent with the requirements of 25 U.S.C. § 450j-1(a)(2)-(3), (5)-(6). Depending on the nature of the costs as direct or indirect, the amount of CSC funding also will be negotiated consistent with the guidance below on DCSC and indirect CSC funding. NOTE: Examples of startup and pre-award costs are described in the standards for the review and approval of CSC in Manual Exhibit 6-3-H.

Startup costs for PSFA will only be provided to an awardee on a one-time basis, during the initial 12-month period that the award is in effect. Within 90 days after the end of the initial 12-month period of the agreement, the awardee will certify to IHS that it has fully obligated the startup costs funding on the negotiated startup activities. If the awardee's obligations were less than the negotiated amount, the awardee shall either repay any overpayment or agree with IHS to apply the overpayment to the subsequent year's CSC requirement. If the awardee has obligations for the negotiated startup activities in excess of the amounts funded by IHS, the awardee will provide documentation of these costs and the additional amounts will be subject to negotiation between the parties. No additional startup costs will be justified for that Awardee if the PSFA is subsequently transferred to a sub-awardee.

Pursuant to 25 U.S.C. § 450j-1(a)(6) of the ISDEAA, as amended, notification from awardees for pre-award costs must clearly indicate the nature and extent of the costs to be incurred and such notification must be received by IHS in writing before any of the costs are actually incurred. Tribes must provide a pre-award notice to the appropriate IHS Area Director as soon as they anticipate contracting or compacting a PSFA, and before they incur any of the costs. If such a notice is received by any other IHS Area Office, it should be immediately forwarded to the appropriate IHS Area Director.

The review of pre-award and startup costs by Area Office staff should ensure that the costs meet the CSC requirements in the ISDEAA, 25 U.S.C. § 450j-1(a)(2)-(3), (5)-(6), and there is no duplication of other CSC funding or of any costs funded under a Tribal management grant. See also Manual Exhibit 6-3-H for Sample Pre-Award letters.

**D. DCSC.**

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Direct costs eligible for CSC funding, pursuant to 25 U.S.C. § 450j-1(a)(2)-(3), may be incurred directly by the awardee or by an eligible sub-awardee. DCSC amounts are generally awarded on a recurring basis.

1. Examples of DCSC are described in the standards for the review and approval of CSC in Manual Exhibit 6-3-H. These may include, but are not limited to:
  - a. unemployment taxes on salaries funded in the Secretarial amount;
  - b. workers compensation insurance on salaries funded in the Secretarial amount;
  - c. cost of retirement for converted civil service and United States Public Health Service Commissioned Corps Officer salaries;
  - d. insurance, but only for coverage not included in the IDC pool (or indirect-type-costs budget) and not covered by the Federal Tort Claims Act;
  - e. facility support costs to the extent not already made available;
  - f. training required to maintain certification of direct program personnel to the extent not already made available; and
  - g. any other item of cost that meets the definition of CSC at 25 U.S.C. § 450j-1(a)(2)-(3), but is not included in the awardee's IDC pool (or indirect-type-costs budget) or the 25 U.S.C. § 450j-1(a)(1) amount.
2. Funds for DCSC need not be recalculated each year and will be provided to the awardee on a recurring basis, except for in the following instances:
  - a. If an awardee submits a proposal or request and renegotiates DCSC.
  - b. If a cost that has previously been funded as DCSC is moved to the Tribe's IDC pool (See Section 6-3.2E).
  - c. In the case of a withdrawal as outlined in Section 6-3.3A.
  - d. To add amounts in connection with IPA or MOA employees who have converted after the effective date of the preceding DCSC negotiation. This shall not require a renegotiation of ongoing DCSC amounts.

Renegotiated DCSC requirements become effective for the contract period covered by the DCSC request and are awarded on a recurring basis. IHS will provide technical assistance at the request of the Tribe.

3. Unless a negotiation occurs under the preceding subparagraph, the amount of each awardee's ongoing DCSC need shall be adjusted at the beginning of each contract year by the most recent OMB non-medical inflation rate in order to account for the normal increased DCSC need.<sup>3</sup>

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<sup>3</sup> IHS recognizes that tribes have requested the CPI-U medical inflation rate be used and at this time this issue has not been resolved. If IHS determines the CPI-U medical inflation rate can be applied in the future, the change will be implemented automatically.

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4. Unless otherwise requested by the awardee, DCSC calculated on new PSFA and expanded PSFA shall not require a recalculation of DCSC on ongoing PSFAs, as long as the additional DCSC is allocable only to the new or expanded PSFA being awarded.

#### E. Indirect CSC.

**Guidelines for the Principles Involved in Negotiating Indirect and Indirect-Type Costs.** A plan for the allocation of IDC is required to support the distribution of any IDC related to the awardee's program and the determination of which IDC are eligible for indirect CSC funding. All IDC included in the plan are required to be supported by accounting records that substantiate the propriety of the IDC and establish the costs as either: (a) funded in the Secretarial amount; or (b) eligible for indirect CSC funding. The allocation plan should cover all IDC of the awardee and contain, but not necessarily be limited to, the nature and extent of services provided and their relevance to the awardee's program; the item of expense to be included in the IDC pool; and the methods to be used in distributing costs.

Title 2 C.F.R. Part 200 establishes principles and standards for determining IDC applicable to the awardee and the negotiation of IDC rates with the awardee's cognizant agency. 25 U.S.C. § 450j-1(k) has made modifications to the OMB cost principles otherwise applicable to awardees. Once these principles are applied to identify an awardee's total IDC, the costs must be analyzed to ensure they meet the definition of CSC in 25 U.S.C. § 450j-1(a)(2)-(3). See also the standards for the review and approval of CSC in Manual Exhibit 6-3-H.

In determining the amount of CSC funding required in relation to the awardee's IDC, Areas should review the awardee's cost allocation plan, its associated IDC proposal, its approved IDC negotiation agreement, and the requirements of 25 U.S.C. § 450j-1(a)(2)-(3). The allowable IDC of an eligible sub-awardee may be included in the indirect CSC requirement of the awardee when the sub-awards are excluded from the IDC base of the awardee, or are subject to a pass-through IDC rate. The awardee shall be responsible for providing documentation of these costs to the IHS.

1. **Awardees with Negotiated IDC Rates.** The amount of IDC expected to be incurred by awardees using rates negotiated with the cognizant Federal agency will be estimated annually by applying the most recent negotiated IDC rate(s) to the appropriate direct cost base amount, as discussed below in this paragraph and subject to paragraphs 6-3.2E(3)-(4).

The amount determined as the awardee's CSC requirement will be consistent with the individual awardee's IDC rate agreement and reflect any exclusions required by the IDC rate agreement.

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If an awardee's IDC rate is applicable to a fiscal year (FY) that is more than three years old, IHS will not provide IDC associated with the application of that IDC rate. In these cases, the Area will negotiate "indirect-type costs" with the awardee (see paragraph 8-3.2E(2) that follows). The rate applicable to the current FY is considered current, and the rate applicable to the previous FY shall be considered one year old. Thus, for example, in FY2016 a rate agreement for FY2013 is the oldest rate that will be used in calculations.

Based on these principles, IHS will apply the IDC rate to determine a Tribe's IDC need (which shall be adjusted consistent with 25 U.S.C. § 450j-1(a)(2)-(3), as discussed below, to determine the indirect CSC need) as follows:

a. Estimate of Indirect CSC Need and Funding Prior to the Contract Year

In advance of the contract year, IHS and the Tribe will negotiate an estimate of the Tribe's IDC need using the Tribe's most recent (no more than three years old) negotiated IDC rate agreement.

- 1) Total direct costs will be used based on either:
  - a) The eligible funding in the Secretarial amount plus the DCSC funding (or the salaries (or salaries and fringe) for those Tribes that use a salary (or salaries and fringe) base), if the total direct costs of the total health care program reflected in the IDC rate agreement or other documentation of prior-year expenditures demonstrate that amount;<sup>4</sup> or
  - b) The total direct costs of the total health care program operated by the Tribe, if those costs as reflected in the IDC rate agreement are less than the eligible funding in the Secretarial amount plus the DCSC funding.
- 2) The IDC transferred in the Secretarial amount, negotiated pursuant to 25 U.S.C. § 450j-1(a)(2)-(3) and this Chapter, shall be deducted from the total direct costs determined in (a)(1).
- 3) The pass-through and exclusion amount will be determined consistent with the awardee's IDC rate proposal. This amount will be deducted from the total direct costs determined in (a)(1), less the amount determined in (a)(2), if any, to determine the direct cost base.
- 4) Application of IDC rate: the IDC rate will be applied to the direct cost base determined in paragraphs (a)(1)-(3) to estimate the total amount of IDC applicable to the IHS-funded program.
- 5) The amount identified in (a)(2), if any, shall be deducted from the total IDC amount determined in paragraph (a)(4) to determine the amount of indirect CSC need and funding to be paid.

b. Determination of Final Amount for Indirect CSC Need and Funding

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<sup>4</sup> Based on current data as of the publication of this Chapter, IHS believes that the substantial majority of awardees' total direct costs will be calculated pursuant to this subsection.

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After the end of the contract funding period IHS and the Tribe will negotiate the final amount of indirect CSC as follows.

- 1) Total direct costs will be based on the amount negotiated pursuant to paragraph (a)(1) above, without further information being required of the Tribe, except that:
  - a) Increases in eligible funding in the Secretarial amount or DCSC funding awarded during the contract year will be added, to the extent the new total direct costs of the total health care program reflected in the IDC rate agreement or other documentation of prior year expenditures demonstrate that amount;
  - b) The Tribe may propose to increase the amount for:
    - i. Expenditures of prior-year Secretarial funding for which IHS did not pay CSC funding in the year awarded and that the Tribe carried over and expended in the current year; and
    - ii. Increases in expenditures of Secretarial funding above the amount estimated;
  - c) Reductions to the Secretarial amount shall be subtracted.
  - d) Reductions to DCSC, if any, as specified in section 6-3.2D(2) shall be subtracted.
- 2) The IDC transferred in the Secretarial amount, negotiated pursuant to 25 U.S.C. § 450j-1(a)(2)-(3) and this Chapter, shall be deducted from the total direct costs determined in (b)(1).
- 3) Pass-through and exclusion amounts will be based on the amounts negotiated pursuant to paragraph a(3) above, without further information being required of the Tribe, though the Tribe may propose adjustments based on expenditures throughout the year and the amounts may need to be adjusted if the Tribe proposes increases pursuant to paragraph (b)(1).
- 4) Application of IDC rate: the applicable IDC rate – i.e., either the fixed carryforward rate or the final rate applicable to the contract funding year – will be applied to the direct cost base to determine the amount of IDC. If the IDC rate applicable to the contract year is not available within 90 days after the end of the performance period, at the awardee's request IHS shall apply the fixed carryforward rate for the funding year or one year prior, or the final rate for the funding year or two years prior<sup>5</sup>. The final IDC amount will not be determined until the awardee has received an IDC rate that meets the requirements of this subparagraph.
- 5) The amount, if any, identified pursuant to paragraph (b)(2) shall be deducted from the total IDC amount determined in paragraph (b)(4) to determine the amount of indirect CSC need and any additional funding to be paid.

<sup>5</sup> For 2014-2017 agreements IHS agrees to a transitional period, in which it will use an IDC rate up to 3 years old.

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- 6) Once final reconciliation is complete and both parties agree on the amount of indirect CSC funding, the parties shall enter into a bilateral amendment/modification setting forth the amount as the indirect CSC funding required under the ISDEAA for the award. If any amount is still owed, IHS will make payment according to the payment provisions of the award. If the awardee was overpaid, either: (a) it will reimburse IHS for the overpayment; or (b) IHS will apply the overpayment to the awardee's CSC need in the subsequent year.

2. **Awardees Without Negotiated IDC Rates.** A lump sum amount for "indirect-type costs" may be negotiated with awardees that do not have negotiated IDC agreements with their cognizant agency or that request such a negotiation, even if they have a negotiated rate. This annual lump-sum amount may be calculated by negotiating a fixed amount for "indirect-type costs." Categories of costs often considered "overhead" or "indirect-type" are generally in the categories of:

Management and Administration; Facilities and Facilities Equipment; and General Services and Expenses. More specific examples of indirect and indirect-type costs include but are not necessarily limited to the following:

Management and Administration	Facilities and Facilities Equipment	General Services and Expenses
Governing Body	Building Rent/Lease/Cost Recovery	Insurance and Bonding
Management and Planning	Utilities	Legal Services
Financial Management	Housekeeping/Janitorial	Audit
Personnel Management	Building and Grounds	General Support Services
Property Management	Repairs and Maintenance	Interest
Records Management	Equipment	Depreciation/Use Fees
Data Processing	—	—
Office Services	—	—

As with all IDC, however, the negotiation of indirect-type CSC funding must ensure the amounts are consistent with the definition of CSC in 25 U.S.C. § 450j-1(a)(2)-(3).

Indirect-type costs must be renegotiated not less than once every three years, but they can be renegotiated more frequently at the Tribe's option.

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**3. Alternative Methods for Calculating IDC Associated With Recurring Service Unit Shares.** The provisions of this section E(3) shall apply to the negotiation of indirect CSC funding in or after FY 2018 and to the calculation of duplication under 25 U.S.C. § 450j-1(a)(3), when: i) an awardee assumes a new or expanded PFSA or added staff associated with a joint venture (in which case the review is limited to those new or expanded PFSA or those additional staff); ii) an awardee includes new types of costs not previously included in the IDC pool that is associated with IHS programs, resulting in a change of more than 2% in the value of the IDC pool; or iii) an awardee proposes and renegotiates the amount.

Pursuant to the above circumstances, the awardee shall elect the method for determining the amount of IDC associated with the Service Unit shares and the remaining IDC that may be eligible for CSC funding, to identify duplication, if any, pursuant to 25 U.S.C. § 450j-1(a)(3), in one of two options listed below.

- a) **Alternative A.** The awardee and the Area Director or his or her designee shall conduct a case-by-case detailed analysis (Manual Exhibit X-X-X) of Agency Service Unit share expenditures to identify any IDC transferred in the Secretarial amount. The IDC funded in the Service Unit shares will be deducted from the awardee's direct costs and total IDC, not to exceed the amount included for that same cost in the Tribe's IDC pool that would be allocable to IHS under the IDC rate, to avoid duplication under 25 U.S.C. § 450j-1(a)(3) when determining the Indirect CSC funding amount as described above in 6-3.2E(1).
- b) **Alternative B.** The awardee and the Area Director or his or her designee will apply the following "split" of total Service Unit shares, the 97/3 method (Manual Exhibit X-X-X):
  - i. 97% of the Service Unit shares amounts will be considered as part of the awardee's direct cost base.
  - ii. 3% of the Service Unit shares amounts will be considered as IDC funding.
  - iii. If the 3% percent that is considered IDC funding exceeds the awardee's total negotiated CSC requirements, the awardee shall retain the excess funds for direct costs.

Once these 97/3 amounts are computed, they will be used in accordance with the terms of the IDC rate agreement (or alternative method provided herein) for calculating the CSC requirement. The remaining IDC need associated with the IHS PFSA will be eligible for payment as indirect CSC, as provided in this Chapter and 25 U.S.C. § 450j-1(a)(2)-(3). Manual Exhibit X-X-X illustrates how Alternative A (a detailed analysis) is calculated and Manual Exhibit X-X-X illustrates how Alternative B (the 97/3 method) is calculated.

Commented [A3]: IHS and Tribe are still in discussion on terminology

Commented [A4]: IHS and Tribe are still in discussion on terminology

#### 4. **Alternative Methods for Calculating IDC Associated With Tribal**

**Shares.** Pursuant to the above circumstances, if an awardee's contract includes Tribal shares, the awardee shall elect the method for determining the amount of IDC associated with Tribal shares and the remaining IDC that may be eligible for CSC funding, to identify duplication, if any, pursuant to 25 U.S.C. § 450j-1(a)(3), in one of two options listed below.

- a. **Alternative A.** The awardee and the Area Director or his or her designee shall conduct a case-by-case detailed analysis (Manual Exhibit X-X-X) of Agency Tribal share expenditures to identify any IDC transferred in the Secretarial amount. The IDC funded in the Tribal shares will be deducted from the awardee's direct costs and total IDC, not to exceed the amount included for that same cost in the Tribe's IDC pool that would be allocable to IHS under the IDC rate, to avoid duplication under 25 U.S.C. § 450j-1(a)(3) when determining the indirect CSC funding amount as described above in 6-3.2E(1).
- b. **Alternative B.** The awardee and the Area Director or his or her designee will apply the following "split" of total Tribal shares, the 80/20 method (Manual Exhibit 6-3-C):
  - i. 80% of the Tribal shares amounts will be considered as part of the awardee's direct cost base.
  - ii. 20% of the Tribal shares amounts will be considered as IDC funding.
  - iii. If the 20% that is considered IDC funding exceeds the awardee's total negotiated CSC requirements, the awardee shall retain the excess funds for direct costs.

Commented [A5]: IHS and Tribe are still discussion terminology

Once these 80/20 amounts are computed, they will be used in accordance with the terms of the rate agreement (or alternative method provided herein) for calculating the CSC requirement. The remaining IDC need associated with the IHS PSFA will be eligible for payment as indirect CSC, as provided in this Chapter and 25 U.S.C. § 450j-1(a)(2)-(3). Manual Exhibit X-X-X illustrates how Alternative A (a detailed analysis) is calculated and Manual Exhibit X-X-X illustrates how Alternative B (the 80/20 method) is calculated.

#### 6-3.3 CSC PAYMENTS

Awards will include payment of the full amount of CSC funding negotiated in accordance with the ISDEAA and section 6-3.2 of this Chapter.

##### A. **Withdrawal.**

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When an awardee withdraws a PSFA from an existing award between the IHS and a second awardee, who has been operating that PSFA on behalf of the first awardee, the existing DCSC is subject to reallocation between the two awardees. The DCSC is directly associated with the direct program funds and should be reallocated proportionately between the awardees on the same basis as the Secretarial amount is reallocated.

Any overpayment of CSC funding to the second awardee must either: i) be returned to IHS for allocation to the first awardee; or ii) offset against the second awardee's CSC need in the subsequent year.

**B. Initial Funding Period—New and Expanded Contracts.**

All requests for CSC funding associated with new or expanded PSFA that are submitted independently of a contract proposal or a final offer must be reviewed within the time provided by the ISDEAA at 25 U.S.C. §§ 450f(a), 458aaa-6(b).

Negotiated amounts for CSC funding for new and expanded PSFA will be paid along with the award of any 25 U.S.C. § 450j-1(a)(1) funds. This includes pre-award, startup, DCSC, and indirect CSC funding.

If an awardee proposes to start a new or expanded activity for less than a full year, an annual amount for CSC may be determined consistent with the methodologies included in this Chapter; however, DCSC and Indirect CSC funding will be pro-rated in the first award period. Startup and pre-award costs will be non-recurring, and the negotiated amount will be paid entirely in the first year of the award period.

**C. Ongoing Awards.**

Negotiated amounts for DCSC and indirect CSC funding for ongoing awards will be paid along with the initial payment of the 25 U.S.C. § 450j-1(a)(1) funding.

Subsequent payments may be made if a new amount is negotiated during the contract year, e.g., due to updates to the awardee's IDC rate, consistent with the determination of CSC in section 6-3.2.

**6-3.4 ROLES AND RESPONSIBILITIES**

Awardees and IHS staff have distinct roles and responsibilities in facilitating the determination of Tribal CSC requirements and in the allocation of CSC resources. This section will describe the roles and responsibilities associated with the determination of initial Tribal CSC (new and expanded) requirements; the determination of ongoing CSC requirements; and some of the ancillary CSC activities carried out by the IHS.

**A. Overview - New and Expanded CSC Requests.** Awardees must provide a detailed CSC request to the Area Director or his or her designee. IHS has developed

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sample request letters for that purpose, at the option of the awardee to use to submit their requests (see sample letters in Manual Exhibit 6-3-G and the Annual CSC Calculation (ACC) tool in Manual Exhibit [ ]). The request must include a clear description of the requested CSC funding to be negotiated (as specified at 25 C.F.R. § 900.8) along with supporting justification, the date that the PSFA are to be assumed, and an identification of the Secretarial amount to be transferred. Additionally, the awardee is encouraged to provide a detailed line item Tribal budget for the 25 U.S.C. § 450j-1(a)(1) amount to facilitate CSC negotiations. The Area Director or his or her designee will provide a copy of the proposal to the Headquarters Office of Direct Service and Contracting Tribes (ODSCT) and a copy of the final negotiated request to the IHS Headquarters Office of Finance and Accounting (OFA), and a copy to the Office of Tribal Self-Governance (OTSG) in the case of a Title V compactor.

- B. New and Expanded CSC Negotiations.** The Area Director or his or her designee (or the Agency Lead Negotiator in the case of a Title V Self-Governance award) has the primary responsibility for negotiating the new and expanded CSC request with the awardee and forwarding the proposal to the Headquarters ODSCT (or OTSG), as well as the final approved request to the Headquarters OFA for funding to be released for payment. If the Area Director or his or her designee and the awardee do not agree on an item(s) of cost, the Area Director or designee shall issue a partial declination of the awardee's contract proposal or final offer in accordance with the ISDEAA and with 25 C.F.R. §§ 900.20-900.33 and 42 C.F.R. §§ 137.140-137.48. The declination or final offer rejection must be issued within the time required by the ISDEAA, as amended, unless the awardee has provided written consent to an extension in accordance with 25 C.F.R. § 900.17 or 42 C.F.R. § 137.135. In the event CSC negotiations are unresolved at the time a program transfer or expansion goes into effect, the finally-determined CSC amounts shall be effective for the entire contract funding period starting from the date of the transfer or expansion.

**C. Ongoing Awards.**

The Area Director or his or her designee (or the Agency Lead Negotiator in the case of a Title V Self-Governance award) will provide a completed ACC tool during negotiations of successor AFA or FA, in order to assist the parties in determining the amount of CSC funding to be added to the contract. (Consistent with Section 6-3.2.)

**D. Other CSC Responsibilities.**

1. **Disputes.** Disputes over CSC should be resolved as either a formal declination or final offer rejection appeal or as a claim under the Contract Disputes Act (CDA), 41 U.S.C. § 7101 et seq. An informal conference (25 C.F.R. § 900.153) or other alternative dispute mechanism (25 C.F.R. § 900.217) may also be useful in resolving disagreements over CSC. When it is unclear whether a dispute should be resolved as a declination or a CDA claim, the Associate Director of Self-

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Determination Services, ODSCT, should be contacted for possible referral to the IHS Headquarters Leadership Team.

2. **Pre-Award Declination Appeals.** Declination appeals may arise from a pre-award decision to decline a proposal, in whole or in part; a pre-award decision to decline a proposed amendment to an award; or any of the other reasons cited at 25 C.F.R. § 900.150. Declination appeals are most likely to occur as a result of disagreements over an awardee's new or expanded CSC request (Section 6-3.3B). Declination appeals must be processed pursuant to 25 C.F.R. §§ 900.150-900.177.
3. **Appeals of Rejections of Final Offers.** Final Offer appeals may arise out of a pre-award decision by the IHS to reject, in whole or in part, a Final Offer submitted by a compactor when it is unable to reach agreement with the IHS on the terms of a compact or FA, including funding levels. Final Offer appeals must be processed pursuant to 25 U.S.C. § 458aaa-6(c)(1) and any regulations promulgated thereunder.
4. **Post-Award CDA Claims.** All post-award disputes regarding an awarding official's decision related to an ISDEAA award, including post-award disputes over CSC funding, must be addressed under the CDA. Post-award contract disputes generally occur as a result of the parties' failure to agree concerning the amount of DCSC due (Section 6-3.2D) or the amount of indirect CSC funding due (Section 6-3.2E). Post-award contract disputes must be handled pursuant to the CDA and 25 C.F.R. §§ 900.215-900.230.
5. **Pilot Projects.** The IHS may adopt pilot projects to incorporate innovative approaches to CSC funding issues. The IHS Director may approve these pilot projects without requiring revisions in this Chapter. Pilot projects must be optional for awardees and of limited duration. Upon the completion and evaluation of these projects, this Chapter may be amended following Tribal consultation to incorporate new provisions implementing these projects on a permanent basis.
6. **CSC Budget Projections.** Each Area Director or his or her designee shall survey Tribes and Tribal organizations within that Area to develop accurate projections of CSC need at the end of the second and fourth quarter. This will include identification of the amounts required for any new and expanded projects as well as projections for the total ongoing CSC requirement for the following FY and estimates for the next two FYs. The information will be consolidated by the IHS Headquarters OFA and provided to Tribes and Tribal organizations as expeditiously as possible. The information will also be generated in the "Contract Support Costs Budget Projections (for the appropriate FY)," and submitted to the Director, Headquarters OFA, on or before September 30 of each FY and will be used by the IHS in conjunction with the Agency's budget formulation process.

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7. **Common Language.** The IHS may from time to time propose common language for AFA and FA regarding CSC. This common language may be considered as an option for negotiations by the Tribes and IHS negotiators. Tribes and IHS negotiators should be made aware that specific CSC language in contracts, compacts, AFA, and FA is negotiable and cannot be imposed on tribal contractors as a condition of contracting.

### 6-3.5 CSC REPORTS

- A. **Reporting and Documenting Amounts of CSC Available, Needed, and Requested.** The Area Director or his or her designee shall maintain a historical record of funds negotiated and awarded in each of the categories listed below. Manual Exhibit 6-3-F contains a detailed sample of the database.
  1. Secretarial amount
  2. Pre-award costs
  3. Startup costs
  4. DCSC funding
  5. Indirect CSC funding for those awardees that use an IDC rate
  6. Indirect CSC funding for those awardees that negotiate indirect-type costs
  7. IDC rates
  8. Types of bases
  9. Pass-through/exclusions
  10. Total direct cost base
  11. DCSC requirements (including the unduplicated DCSC requirement associated with sub-awards)
  12. Indirect CSC requirements (including the unduplicated indirect CSC requirement associated with sub-awards)
- B. **Annual CSC Funding Report to Tribes.** Area Directors shall provide a report to the Director, OFA, no later than March 1 of each FY that includes those data elements identified above on a Tribe-by-Tribe basis for the previous FY ending on September 30. Before the report is submitted, the amounts included in the report shall be certified

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as accurate by the IHS Area Finance Management Officer (FMO) and the Area Director or his or her designee.

1. A copy of the Area Director's report inclusive of all Area-wide CSC funding information shall be provided by the Area Director or his or her designee to the awardees within that Area no later than January 31. Any corrections or changes to the data resulting from an awardee review must be certified by the Area FMO and a [revised / corrected] final Area Director's report shall be submitted to the IHS Headquarters OFA through the Area Director or his or her designee no later than March 1. A copy of this report shall also be provided by the Area Director or his or her designee to the awardees within that Area no later than May 30.
2. The IHS Headquarters Director, OFA, shall consolidate all Area reports into the "IHS CSC Funding Report to Tribes." In doing so, the IHS Headquarters Director, OFA, shall, in consultation with the Director, ODSCT, and the Director, OTSG, provide a projection of the full CSC requirement for the current and subsequent FY.
3. The IHS Headquarters Director, OFA, shall finalize the "IHS CSC Funding Report to Tribes," obtain concurrence from the Director, ODSCT, and the Director, OTSG, and transmit the report to the Director, IHS, for approval no later than April 1.
4. After the "IHS CSC Funding Report to Tribes" is approved by the Director, IHS, the Headquarters Director, OFA, will provide copies to each Area Director or his or her designee, who shall then be responsible for promptly providing a copy of the IHS CSC Funding Report to Tribes to all awardees compacting or contracting within that Area. The IHS CSC Funding Report shall be furnished to tribes on or before May 30 of the year following the close of the fiscal year that is the subject of the Report.

**Annual CSC Report to Congress.** IHS also has a responsibility pursuant to 25 U.S.C. § 450j-1(c)1-5 to provide a report to Congress on the implementation of the ISDEAA and its administration of CSC, including "an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted."

The Director, IHS or his/her designee shall also provide each Awardee with a copy of the CSC Report to Congress, once that report has been cleared by the Administration for submission to Congress.

Mr. CALVERT. All this will be entered into the record.

Mr. MILLER. These are both draft policies, but the weight of the documents tells you everything. The Indian Health Service has come up with an exceedingly complex regime for regulating contract support cost issues, and I think, to some extent, there is some blowback.

The Indian Health Service is not pleased at what happened in the courts. The Indian Health Service ended up paying out about \$850 million, a topic I will discuss in a moment. And they are intent on restricting contract support cost requirements and finding ways of underfunding them, and one of those is methamphetamine/suicide prevention funds, domestic violence funds.

The agency, after the Supreme Court said tribes were entitled to contract support cost, the agency said, well, no, not on methamphetamine/suicide prevention funds, not on domestic violence funds. That is outrageous.

Former Director, not the current Director, did that. Former Director said we will now put these funds into grants. We will now cease paying contract support cost. So this is something we hope the committee can address as well.

The last thing I wanted to alert the committee to is just the status of settlements. The committee knows from the news that the Ramah class action was finally settled. It was settled for \$940 million. I am class counsel, along with Mike Gross and Bryant Rogers, in that case.

This is the proposed distribution of the entire \$940 million. We hope that will go out to the tribes over the next 6 to 8 months.

Finally, as I mentioned, the Indian Health Service has paid out about \$850 million in settlements, and I have those distributions that have been paid out so far as well.

[More information follows:]

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***Ramah Navajo Chapter, et al., v. Jewell, No. 90-cv-957 (D.N.M.)*****Updated Estimated Dollar Shares for Each Class Member**

The Final Settlement Agreement (FSA) provided estimated percentages of the settlement amount to be distributed to each Class Member in Appendix 2. These share percentages were only estimates because the share percentages were subject to change based on a number of factors identified in the FSA, including a change if additional Class Members were later identified. FSA § VIII.D.1.

During the objection period following the Court's preliminary approval of the FSA, a tribal contractor not previously identified as a Class Member asked to be included in the Class. In response, the Court on December 17, 2015 issued an Order adding 55 newly-identified tribal entities to the class. To read more about these additional entities, please refer to the Joint Memorandum in Response to Objection by United South and Eastern Tribes, Inc., Doc. 1328, *available at*

<http://www.rncsettlement.com/developments/151216%20It%20response%20USET%20obj%201328.pdf>, and the Court's Order regarding the objection, Doc. 1329, *available at* <http://www.rncsettlement.com/developments/151217%20ORDER%20re%20USET%20obj.%20notice%2026%20new%20members.pdf>.

The 55 additional Class Members will collectively receive 0.2256% of the estimated Net Settlement Amount, causing a minor recomputation of other tribal shares. As before, the computation the estimated dollar shares is based on the following assumptions:

Settlement amount	\$940,000,000
Less attorneys fees @ 8.5%	\$79,900,000
Subtotal	\$860,100,000
Less estimated costs	\$1,500,000
Less reserve fund	\$4,000,000
Amount available for distribution	\$854,600,000

Based on these assumptions, the estimated dollar shares for each Class Member will be as follows:

	<u><b>Class Members</b></u>	<u><b>Percentage</b></u>	<u><b>Share</b></u>
1	1854 AUTHORITY	0.15442%	\$ 1,319,652
2	ABSENTEE SHAWNEE	0.23610%	\$ 2,017,746
3	AGDAAGUX TRIBAL COUNCIL	0.03596%	\$ 307,338
4	AGUA CALIENTE BAND OF CAHUILLA	0.00735%	\$ 62,799
5	AK-CHIN INDIAN COMMUNITY	0.05610%	\$ 479,450
6	AKIACHAK NATIVE COMMUNITY	0.02972%	\$ 253,977
7	AKIAK NATIVE COMMUNITY	0.07289%	\$ 622,926

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8	ALABAMA COUSHATTA INDIAN RESER	0.22912%	\$ 1,958,083
9	ALABAMA-QUASSARTE TRIBAL TOWN	0.08623%	\$ 736,932
10	ALAKANUK TRADITIONAL COUNCIL	0.00187%	\$ 16,000
11	ALAMO NAVAJO SCHOOL BOARD	0.01872%	\$ 160,000
12	ALASKA VILLAGE INITIATIVES	0.00187%	\$ 16,000
13	ALATNA VILLAGE COUNCIL	0.00094%	\$ 8,000
14	ALBUQUERQUE AREA INDIAN HEALTH	0.00094%	\$ 8,000
15	ALEUTIAN PRIBILOF ISLANDS ASSOCIATION	0.47854%	\$ 4,089,613
16	ALGAACIQ TRIBAL GOVERNMENT	0.00187%	\$ 16,000
17	ALL INDIAN PUEBLO COUNCIL INC	0.00947%	\$ 80,900
18	ALTURAS INDIAN RANCHERIA	0.00411%	\$ 35,128
19	AMER INDIAN CHILD RESOURCE CTR	0.00936%	\$ 80,000
20	AMERICAN INDIAN CTR OF CENT-CA	0.00655%	\$ 56,000
21	AMERICAN INDIAN INSTITUTE FOR	0.00281%	\$ 24,000
22	AMERICAN INDIAN SERVICES INC	0.00281%	\$ 24,000
23	ANGOON COMMUNITY ASSOCIATION	0.00187%	\$ 16,000
24	ANNETTE ISLAND SCHOOL DISTRICT	0.00374%	\$ 32,000
25	ANVIK VILLAGE	0.01796%	\$ 153,459
26	APACHE TRIBE OF OKLAHOMA	0.02046%	\$ 174,859
27	ARCTIC SLOPE NATIVE ASSN	0.12299%	\$ 1,051,084
28	ARCTIC VILLAGE COUNCIL	0.00187%	\$ 16,000
29	AROOSTOOK BAND OF MICMACS	0.11434%	\$ 977,118
30	ASA'CARSARMIUT TRIBAL COUNCIL	0.04015%	\$ 343,082
31	ASSOC OF VILLAGE COUNCIL PRESI	1.02956%	\$ 8,798,652
32	ATHABASCAN TRIBAL GOVERNMENTS, COUNCIL OF	0.01311%	\$ 112,000
33	ATKA IRA VILLAGE COUNCIL	0.00187%	\$ 16,000
34	ATMAUTHLUAK TRADITIONAL COUNCL	0.03542%	\$ 302,741
35	AUBURN RANCHERIA	0.00562%	\$ 48,000
36	AUGUSTINE BAND-MISSION INDIANS	0.01924%	\$ 164,455
37	BAD RIVER BAND OF LAKE	0.06886%	\$ 588,504
38	BARONA BAND OF MISSION INDIANS	0.00749%	\$ 64,000
39	BARROW, NATIVE VILLAGE OF	0.22516%	\$ 1,924,246
40	BATTLE MOUNTAIN BAND COUNCIL	0.09377%	\$ 801,373
41	BAY MILLS INDIAN COMMUNITY	0.24563%	\$ 2,099,114
42	BEAR RIVER BAND OF ROHNERVILLE	0.05616%	\$ 479,977
43	BEAVER VILLAGE COUNCIL	0.02574%	\$ 219,979
44	BENTON PAIUTE RESERVATION	0.00936%	\$ 80,000
45	BERRY CREEK RANCHERIA	0.04016%	\$ 343,186
46	BIG LAGOON RANCHERIA	0.06411%	\$ 547,874

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47	BIG PINE PAIUTE TRIBE OF THE O	0.03807%	\$ 325,372
48	BIG SANDY RANCHERIA	0.03046%	\$ 260,290
49	BIG VALLEY RANCHERIA	0.04363%	\$ 372,845
50	BILL MOORE SLOUGH ELDER'S CNCL	0.01217%	\$ 104,000
51	BIRCH CREEK TRIBAL COUNCIL	0.00094%	\$ 8,000
52	BISHOP RESERVATION	0.07760%	\$ 663,146
53	BLACKFEET TRIBE	0.36922%	\$ 3,155,397
54	BLUE LAKE RANCHERIA	0.11824%	\$ 1,010,521
55	BOARD OF EDUCATION	0.00514%	\$ 43,925
56	BONSALL UNION SCHOOL DISTRICT	0.00562%	\$ 48,000
57	BRIDGEPORT INDIAN COLONY	0.03171%	\$ 270,975
58	BRISTOL BAY NATIVE ASSOCIATION	1.77855%	\$ 15,199,484
59	BROWNSTONE WOMAN PROJECT	0.00281%	\$ 24,000
60	BUCKLAND IRA COUNCIL	0.02970%	\$ 253,795
61	BUENA VISTA RANCHERIA OF ME-WU	0.06204%	\$ 530,229
62	BURNS PAIUTE TRIBE	0.10949%	\$ 935,715
63	CA INDIAN FOREST & FIRE MGMT.	0.01123%	\$ 96,000
64	CABAZON BAND OF MISSION INDIANS	0.07389%	\$ 631,466
65	CACHE INDIAN PARENT COMMITTEE	0.00094%	\$ 8,000
66	CACHE PUBLIC SCHOOLS	0.00281%	\$ 24,000
67	CADDO TRIBE OF OKLAHOMA	0.02148%	\$ 183,600
68	CAHTO TRIBE	0.03158%	\$ 269,890
69	CAHUILLA BAND OF INDIANS	0.01403%	\$ 119,907
70	CALIFORNIA INDIAN MANPOWER	0.00468%	\$ 40,000
71	CALIFORNIA INDIAN WATER	0.00187%	\$ 16,000
72	CALIFORNIA VALLEY MIWOK TRIBE	0.03737%	\$ 319,396
73	CAMPO BAND OF MISSION INDIANS	0.02957%	\$ 252,705
74	CAPITOL AREA INDIAN RESOURCES, INC.	0.00094%	\$ 8,000
75	CATAWBA INDIAN NATION	0.06302%	\$ 538,535
76	CAYUGA NATION	0.01311%	\$ 112,000
77	CEDARVILLE RANCHERIA	0.05740%	\$ 490,536
78	CENTRAL TRIBES OF SHAWNEE AREA	0.00374%	\$ 32,000
79	CHALKYITISIK VILLAGE COUNCIL	0.02469%	\$ 211,019
80	CHEESH-NA TRIBE (PREVIOUSLY LISTED AS THE NATIVE VILLAGE OF CHISTOCHINA)	0.04116%	\$ 351,787
81	CHEFORNAK TRADITIONAL COUNCIL	0.00936%	\$ 80,000
82	CHEHALIS BUSINESS COUNCIL	0.25259%	\$ 2,158,596
83	CHEMEHUEVI INDIAN TRIBE	0.05404%	\$ 461,842
84	CHEROKEE BOYS CLUB INC	0.02428%	\$ 207,505
85	CHEROKEE NATION	0.96822%	\$ 8,274,401

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86	CHEVAK TRADITIONAL COUNCIL	0.01114%	\$ 95,232
87	CHEYENN ARAPAHO HOUSING AUTHOR	0.00094%	\$ 8,000
88	CHEYENNE RIVER SIOUX TRIBE	0.80502%	\$ 6,879,685
89	CHEYENNE-ARAPAHO TRIBES OF OKL	0.38448%	\$ 3,285,734
90	CHICKALOON NATIVE VILLAGE	0.05568%	\$ 475,877
91	CHICKASAW NATION	0.36238%	\$ 3,096,937
92	CHICKEN RANCH RANCHERIA	0.01567%	\$ 133,956
93	CHIEF DULL KNIFE COLLEGE	0.16833%	\$ 1,438,508
94	CHIEF-BUG O NAY GE SHIG SCHOOL	0.18620%	\$ 1,591,241
95	CHIGNIK LAGOON VILLAGE COUNCIL	0.00094%	\$ 8,000
96	CHIGNIK LAKE TRADITIONAL COUNC	0.00281%	\$ 24,000
97	CHILKAT INDIAN VILLAGE	0.04638%	\$ 396,382
98	CHILKOOT INDIAN ASSOCIATION	0.00395%	\$ 33,785
99	CHINIK ESKIMO COMMUNITY	0.00374%	\$ 32,000
100	CHIPPEWA OTTAWA RESOURCE AUTHO.	0.01591%	\$ 136,000
101	CHIPPEWA-CREE INDIANS OF THE ROCKY BOY'S RESERVATION	1.10596%	\$ 9,451,552
102	CHITIMACHA TRIBE OF LOUISIANA	0.19775%	\$ 1,689,940
103	CHITINA VILLAGE COUNCIL	0.04446%	\$ 379,942
104	CHOCTAW NATION	0.41883%	\$ 3,579,304
105	CHUATHBALUK TRADITIONAL COUNCL	0.01672%	\$ 142,890
106	CHUGACH REGIONAL RESRCS COMMSN	0.05398%	\$ 461,319
107	CHUGACHMIUT	0.32141%	\$ 2,746,808
108	CHULOOKAWICK NATIVE VILLAGE	0.01491%	\$ 127,405
109	CHUSKA SCHOOL BOARD OF	0.00439%	\$ 37,513
110	CIRCLE OF LIFE SURVIVAL SCHOOL	0.02456%	\$ 209,852
111	CIRCLE VILLAGE COUNCIL	0.00956%	\$ 81,700
112	CITIZEN BAND OF POTAWATOMI	0.20770%	\$ 1,774,972
113	CLOVERDALE RANCHERIA TRIBE	0.05057%	\$ 432,201
114	COAST INDIAN COMMUNITY OF	0.05610%	\$ 479,464
115	COCOPAH INDIAN TRIBE	0.09455%	\$ 808,065
116	COEUR D'ALENE TRIBE OF IDAHO	0.49492%	\$ 4,229,557
117	COLD SPRINGS RANCHERIA	0.02059%	\$ 175,937
118	COLORADO RIVER INDIAN TRIBES	0.28952%	\$ 2,474,243
119	COLUMBIA RIVER INTERTR FISH CO	0.85749%	\$ 7,328,083
120	COLUSA RANCHERIA	0.00655%	\$ 56,000
121	COLVILLE BUSINESS COUNCIL	1.55672%	\$ 13,303,756
122	COMANCHE NATION	0.06810%	\$ 581,949
123	CONF TRBS OF COOS LOWER UMPQUA	0.17559%	\$ 1,500,560
124	CONF TRBS UMATILLA IND RESERVATION	0.69180%	\$ 5,912,128

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125	CONF TRBS&BDS OF YAKIMA IND NATION	0.84282%	\$ 7,202,777
126	CONF TRIBES OF THE GRANDE ROND	0.61750%	\$ 5,277,170
127	CONF TRIBES OF WARM SPRINGS	0.88190%	\$ 7,536,730
128	CONFEDERATED SALISH AND	0.96607%	\$ 8,256,062
129	CONFEDERATED TRIBE GOSHUTE RES	0.08140%	\$ 695,662
130	COOK INLET TRIBAL COUNCIL	0.16671%	\$ 1,424,669
131	COPPER RIVER NATIVE ASSOCIATIO	0.12976%	\$ 1,108,967
132	COQUILLE INDIAN TRIBE	0.41790%	\$ 3,571,406
133	CORTINA RANCHERIA	0.04804%	\$ 410,516
134	COUSHATTA TRIBE OF LOUISIANA	0.10176%	\$ 869,619
135	COW CREEK AND OF UMPQUA TRIBE	0.10686%	\$ 913,203
136	COWLITZ INDIAN TRIBE	0.03099%	\$ 264,852
137	COYOTE VALLEY BAND OF POMO IND	0.02854%	\$ 243,928
138	CRAIG COMMUNITY ASSOCIATION	0.00187%	\$ 16,000
139	CROOKED CREEK TRAD. COUNCIL	0.01108%	\$ 94,703
140	CROW CREEK SIOUX TRIBE	0.11654%	\$ 995,971
141	CROW TRIBE OF MONTANA	0.33901%	\$ 2,897,188
142	CURYUNG TRIBAL COUNCIL	0.00187%	\$ 16,000
143	DEL NORTE COUNTY UNIFIED	0.00842%	\$ 72,000
144	DELAWARE NATION	0.03363%	\$ 287,412
145	DELAWARE TRIBE OF INDIANS	0.00874%	\$ 74,653
146	DEVIL'S LAKE SIOUX TRIBE	0.00374%	\$ 32,000
147	DINE BI OLTA SCHOOL BOARD ASSC	0.17937%	\$ 1,532,938
148	DOT LAKE VILLAGE COUNCIL	0.01994%	\$ 170,382
149	DOUGLAS INDIAN ASSOCIATION	0.03830%	\$ 327,319
150	DRY CREEK RANCHERIA BAND OF PO	0.03281%	\$ 280,378
151	DUCK VALLEY, SHOSHONE-PAIUTE OF	0.29305%	\$ 2,504,382
152	DUCKWATER SHOSHONE TRIBE	0.19794%	\$ 1,691,624
153	EAGLE TRADITIONAL COUNCIL	0.00498%	\$ 42,565
154	EASTERN BAND OF CHEROKEE INDIA	0.13781%	\$ 1,177,741
155	EASTERN SHAWNEE TRIBE OF OKLAH	0.09990%	\$ 853,770
156	EEK TRADITIONAL COUNCIL	0.01323%	\$ 113,044
157	EGEGIK VILLAGE COUNCIL	0.00094%	\$ 8,000
158	EIGHT NORTHERN INDIAN PUEBLOS	0.01899%	\$ 162,326
159	EKWOK VILLAGE COUNCIL	0.00094%	\$ 8,000
160	ELEM INDIAN COLONY	0.04338%	\$ 370,727
161	ELK VALLEY RANCHERIA	0.06757%	\$ 577,436
162	ELKO BAND COUNCIL	0.08252%	\$ 705,199
163	ELY SHOSHONE TRIBE	0.13893%	\$ 1,187,306
164	EMMONAK TRIBAL COUNCIL	0.04249%	\$ 363,131

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165	ENTERPRISE RANCHERIA	0.04416%	\$ 377,430
166	EVANSVILLE VILLAGE	0.00094%	\$ 8,000
167	EWIIAAPAAYP BAND OF KUMEYAA Y INDIANS	0.07043%	\$ 601,897
168	EYAK, NATIVE VILLAGE OF	0.02419%	\$ 206,760
169	FAIRBANKS NATIVE ASSOCIATION,	0.07183%	\$ 613,848
170	FALL RIVER JOINT UNIFIED	0.01123%	\$ 96,000
171	FALLON PAIUTE SHOSHONE TRIBE	0.12626%	\$ 1,079,012
172	FALSE PASS TRIBAL COUNCIL	0.00706%	\$ 60,349
173	FED. INDIANS OF GRATON RANCHER	0.01185%	\$ 101,241
174	FLANDREAU SANTEE SIOUX TRIBE	0.10229%	\$ 874,181
175	FOND DU LAC OJIBWAY SCHOOL	0.02424%	\$ 207,151
176	FOREST COUNTY POTAWATOMI COMMU	0.02648%	\$ 226,309
177	FORT BELKNAP COMMUNITY COUNCIL	0.71507%	\$ 6,110,961
178	FORT BERTHOLD HOUSING AUTH	0.00206%	\$ 17,632
179	FORT MCDERMITT PAIUTE SHOSHONE	0.04420%	\$ 377,697
180	FORT MCDOWELL MOHAVE APACHE	0.08239%	\$ 704,093
181	FORT MOJAVE INDIAN TRIBE	0.17210%	\$ 1,470,806
182	FORT PECK TRIBAL EXECUTIVE BD	0.41909%	\$ 3,581,536
183	FORT SILL APACHE TRIBE	0.05464%	\$ 466,915
184	FT BERTHOLD COMMUNITY COLLEGE	0.02823%	\$ 241,266
185	FT BIDWELL INDIAN COMMUNITY CO	0.06285%	\$ 537,105
186	FT. INDEPENDENCE RESERVATION	0.03335%	\$ 285,023
187	GALENA VILLAGE	0.04416%	\$ 377,417
188	GAMBELL, NATIVE VILLAGE OF	0.12650%	\$ 1,081,063
189	GEORGETOWN TRIBAL COUNCIL	0.01485%	\$ 126,881
190	GILA RIVER INDIAN COMMUNITY	0.90319%	\$ 7,718,629
191	GOODNEWS BAY NATIVE VILLAGE	0.01313%	\$ 112,190
192	GRAND TRAVERSE BAND	0.40035%	\$ 3,421,364
193	GRAYLING IRA COUNCIL	0.00281%	\$ 24,000
194	GREAT LAKES INDIAN FISH	0.40669%	\$ 3,475,593
195	GREAT LAKES INTER-TRIBAL COUNC	0.01340%	\$ 114,513
196	GREENVILLE RANCHERIA	0.02479%	\$ 211,897
197	GRINDSTONE INDIAN RANCHERIA-	0.00749%	\$ 64,000
198	GUIDIVILLE RANCHERIA	0.12817%	\$ 1,095,342
199	GULKANA VILLAGE COUNCIL	0.02299%	\$ 196,466
200	HABEMATOLEL POMO OF UPPER LAKE	0.03563%	\$ 304,467
201	HANNAHVILLE INDIAN COMMUNITY	0.20798%	\$ 1,777,410
202	HANNAHVILLE INDIAN SCHOOL	0.52198%	\$ 4,460,803
203	HAUDENOSAUNEE ENVIRONMENTAL TA	0.00094%	\$ 8,000

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204	HAVASUPAI TRIBE	0.04796%	\$ 409,834
205	HO-CHUNK NATION	0.02842%	\$ 242,861
206	HOH INDIAN TRIBE	0.19132%	\$ 1,635,021
207	HOONAH INDIAN ASSOCIATION	0.08916%	\$ 761,958
208	HOOPA VALLEY TRIBAL COUNCIL	0.99831%	\$ 8,531,577
209	HOOPER BAY TRADITIONAL COUNCIL	0.00665%	\$ 56,865
210	HOPI INDIAN CREDIT ASSOCIATION	0.01599%	\$ 136,672
211	HOPI TRIBE	0.38369%	\$ 3,279,025
212	HOPLAND RESERVATION	0.03278%	\$ 280,176
213	HOULTON BAND OF MALISEET INDIA	0.15947%	\$ 1,362,833
214	HOUSING AUTHORITY OF THE CHICKASAW NATION	0.00094%	\$ 8,000
215	HUALAPAI TRIBE	0.49935%	\$ 4,267,432
216	HUGHES VILLAGE COUNCIL	0.00094%	\$ 8,000
217	HURON POTWATOMI INC.	0.02831%	\$ 241,927
218	HUSLIA TRADITIONAL COUNCIL	0.00187%	\$ 16,000
219	HYDABURG COOPERATION ASSOC.	0.04217%	\$ 360,426
220	IGIUGIG VILLAGE COUNCIL	0.02859%	\$ 244,312
221	IHANKTONWAN COMMUNITY COLLEGE	0.00633%	\$ 54,066
222	IIPAY NATION OF SANTA YSABEL	0.01731%	\$ 147,939
223	ILIAMNA VILLAGE COUNCIL	0.03698%	\$ 316,008
224	INAJA BAND OF MISSION INDIANS	0.00803%	\$ 68,641
225	INDIAN CENTER, INC.	0.00187%	\$ 16,000
226	INDIAN CHILD & FAMILY PRESERVA	0.00374%	\$ 32,000
227	INDIAN CHILD & FAMILY SERVICES	0.01217%	\$ 104,000
228	INDIAN HEALTH COUNCIL INC	0.05023%	\$ 429,279
229	INTER TRIBAL COUNCIL AVT	0.00562%	\$ 48,000
230	INTER TRIBAL COUNCIL OF MI INC	0.00468%	\$ 40,000
231	INTER TRIBAL COUNCIL OF NEVADA	0.01277%	\$ 109,105
232	INTERTRIBAL AGRICULTURE COUNC.	0.00094%	\$ 8,000
233	INTERTRIBAL BISON COUNCIL	0.00187%	\$ 16,000
234	INTER-TRIBAL COUCIL OF CA INC	0.00094%	\$ 8,000
235	INTERTRIBAL MONITORING ASC.	0.00281%	\$ 24,000
236	INUPIAT COMMUNITY OF THE	0.07472%	\$ 638,586
237	IONE BAND OF MIWOK INDIANS	0.01111%	\$ 94,950
238	IOWA TRIBE OF KANSAS AND NEBRA	0.01591%	\$ 136,000
239	IOWA TRIBE OF OKLAHOMA	0.07172%	\$ 612,931
240	IQURMIUT TRADITIONAL COUNCIL	0.01695%	\$ 144,831
241	JACKSON RANCHERIA	0.00094%	\$ 8,000
242	JAMESTOWN S'KLALLAM TRIBE	0.50957%	\$ 4,354,825

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243	JAMUL INDIAN VILLAGE	0.01516%	\$ 129,587
244	JENA BAND OF CHOCTAW INDIANS	0.04478%	\$ 382,674
245	JICARILLA APACHE TRIBE	0.14005%	\$ 1,196,893
246	KAIBAB PAIUTE TRIBE	0.05628%	\$ 480,960
247	KAKE, ORGANIZED VILLAGE OF	0.14384%	\$ 1,229,233
248	KALISPEL BUSINESS COMMITTEE	0.08060%	\$ 688,781
249	KALTAG TRIBAL COUNCIL	0.00885%	\$ 75,616
250	KARLUK IRA COUNCIL	0.02467%	\$ 210,808
251	KARUK TRIBE	0.26462%	\$ 2,261,456
252	KASHIA BAND OF POMO INDIANS OF	0.04866%	\$ 415,875
253	KAW NATION	0.12684%	\$ 1,083,961
254	KAWERAK, INC.	1.81339%	\$ 15,497,226
255	KENAITZE INDIAN TRIBE	0.06567%	\$ 561,182
256	KETCHIKAN INDIAN CORPORATION	0.73375%	\$ 6,270,637
257	KEWEENAW BAY INDIAN COMMUNITY	0.20742%	\$ 1,772,623
258	KIALEGEE TRIBAL TOWN	0.04642%	\$ 396,706
259	KIANA TRADITIONAL COUNCIL	0.03437%	\$ 293,696
260	KICKAPOO OF OKLAHOMA	0.10894%	\$ 930,992
261	KICKAPOO TRADITIONAL TRIBE OF TEXAS	0.06795%	\$ 580,732
262	KICKAPOO TRIBE IN KANSAS	0.11229%	\$ 959,601
263	KING SALMON TRIBE	0.01217%	\$ 103,984
264	KIOWA TRIBAL HOUSING PROGRAMS	0.00281%	\$ 24,000
265	KIOWA TRIBE OF OKLAHOMA	0.06572%	\$ 561,681
266	KIPNUK TRADITIONAL COUNCIL	0.02114%	\$ 180,698
267	KLAMATH TRIBE	0.63992%	\$ 5,468,785
268	KLAWOCK COOPERATIVE ASSOC.	0.00094%	\$ 8,000
269	KNIK TRIBAL COUNCIL	0.04536%	\$ 387,670
270	KOBUK TRADITIONAL COUNCIL	0.02097%	\$ 179,231
271	KODIAK AREA NATIVE ASSOCIATION	0.05944%	\$ 508,009
272	KOKHANOK VILLAGE	0.00187%	\$ 16,000
273	KOLIGANEK VILLAGE COUNCIL	0.00407%	\$ 34,793
274	KONGIGANAK TRADITIONAL COUNCIL	0.00468%	\$ 40,000
275	KOOTENAI TRIBE OF IDAHO	0.13152%	\$ 1,123,982
276	KOTLIK TRADITIONAL COUNCIL	0.00187%	\$ 16,000
277	KOTZEBUE, NATIVE VILLAGE OF	0.27005%	\$ 2,307,832
278	KOYUKUK NATIVE VILLAGE	0.00468%	\$ 40,000
279	KUIGPAGMIUT, INC.	0.06244%	\$ 533,616
280	KUSHKOKWIM NATIVE ASSOCIATION	0.10240%	\$ 875,100
281	KWIGILLINGOK IRA COUNCIL	0.02820%	\$ 241,018
282	KWINHAGAK, NATIVE VILLAGE OF	0.06037%	\$ 515,963

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283	LA JOLLA BAND OF MISSION INDIA	0.02729%	\$ 233,241
284	LA POSTA BAND OF MISSION INDNS LAC COURTE OREILLES BAND OF LAKE	0.02168%	\$ 185,235
285	SUPERIOR CHIPPEWA INDIANS OF WISCONSIN	0.34140%	\$ 2,917,563
286	LAC DU FLAMBEAU CHIPPEWA	0.16610%	\$ 1,419,496
287	LAC VIEUX DESERT BAND OF LAKE	0.07162%	\$ 612,061
288	LAKE COUNTY CITIZENS COMMITTEE	0.01591%	\$ 136,000
289	LAKOTA OYATE WAKANYEJA OWICAKI	0.00468%	\$ 40,000
290	LARSEN BAY TRIBAL COUNCIL	0.02879%	\$ 246,057
291	LAS VEGAS INDIAN CENTER	0.00191%	\$ 16,291
292	LAS VEGAS PAIUTE TRIBE	0.02897%	\$ 247,561
293	LEVELOCK VILLAGE COUNCIL	0.00094%	\$ 8,000
294	LIME VILLAGE TRAD. COUNCIL	0.01362%	\$ 116,406
295	LITTLE HOOP COMMUNITY COLLEGE	0.00620%	\$ 52,984
296	LITTLE RIVER BAND-OTTAWA INDNS	0.17297%	\$ 1,478,221
297	LITTLE TRAVERSE BAY BAND-INDNS	0.31190%	\$ 2,665,459
298	LOCAL INDIAN EDUCATION INC	0.04373%	\$ 373,677
299	LONE PINE PAIUTE-SHOSHONE RES.	0.03102%	\$ 265,114
300	LOS COYOTES BAND OF MISSION INDIANS	0.00749%	\$ 64,000
301	LOVELOCK PAIUTE TRIBE	0.07158%	\$ 611,720
302	LOWER BRULE SIOUX TRIBE	0.13640%	\$ 1,165,711
303	LOWER EL WHA S'KLALLAM TRIBE	0.29538%	\$ 2,524,294
304	LOWER LAKE RANCHERIA	0.00374%	\$ 32,000
305	LOWER SIOUX INDIAN COMMUNITY	0.02562%	\$ 218,973
306	LUMMI TRIBE OF THE LUMMI RESERVATION	1.46979%	\$ 12,560,790
307	LYTTON RANCHERIA	0.04822%	\$ 412,116
308	MAINE INDIAN EDUCATION	0.14402%	\$ 1,230,824
309	MAKAH INDIAN TRIBE OF THE MAKAH INDIAN RESERVATION	0.90200%	\$ 7,708,496
310	MANCHESTER/PT. ARENA RANCHERIA	0.02760%	\$ 235,890
311	MANDAREE SCHOOL DISTRICT 36	0.01872%	\$ 160,000
312	MANILAQ ASSOCIATION	0.19696%	\$ 1,683,221
313	MANLEY HOT SPRINGS	0.00655%	\$ 56,000
314	MANOKOTAK VILLAGE COUNCIL MANZANITA BAND OF DIEGUENO MISSION	0.00488%	\$ 41,682
315	INDIANS OF THE MANZANITA RESERVATION	0.03310%	\$ 282,915
316	MARIANO LAKE COMMUNITY	0.01334%	\$ 113,962
317	MASHANTUCKET PEQUOT TRIBE	0.08325%	\$ 711,429
318	MASHPEE WAMPANOAG TRIBE	0.02622%	\$ 224,109

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319	MATCH E BE NASH SHE WISH BAND	0.02002%	\$ 171,060
320	MCGRATH NATIVE VILLAGE COUNCIL	0.01591%	\$ 136,000
321	MECHOOPDA OF CHICO RANCHERIA	0.05917%	\$ 505,675
322	MENOMINEE INDIAN TRIBE OF WISC	0.34363%	\$ 2,936,691
323	MENOMINEE TRIBAL ENTERPRISES	0.14340%	\$ 1,225,536
324	MENTASTA TRADITIONAL VILLAGE COUNCIL	0.05437%	\$ 464,670
325	MESA GRANDE BAND-MISSION INDS.	0.04506%	\$ 385,076
326	MESCALERO APACHE TRIBE GRANTS	0.12439%	\$ 1,063,048
327	METLAKATLA INDIAN COMMUNITY	0.45548%	\$ 3,892,544
328	MIAMI TRIBE OF OKLAHOMA	0.04122%	\$ 352,233
329	MICCOSUKEE CORPORATION	0.74185%	\$ 6,339,845
330	MIDDLETOWN RANCHERIA	0.03954%	\$ 337,933
331	MILLE LACS BAND OF CHIPPEWA	0.15768%	\$ 1,347,505
332	MINNESOTA CHIPPEWA TRIBE	0.08183%	\$ 699,337
333	MINNESOTA CHIPPEWA TRIBE - BOIS FORTE BAND (NETT LAKE)	0.20333%	\$ 1,737,633
334	MINNESOTA CHIPPEWA TRIBE - FOND DU LAC BAND	0.08201%	\$ 700,824
335	MINNESOTA CHIPPEWA TRIBE - GRAND PORTAGE BAND	0.08612%	\$ 736,016
336	MINNESOTA CHIPPEWA TRIBE - LEECH LAKE BAND	0.25244%	\$ 2,157,320
337	MINNESOTA CHIPPEWA TRIBE - WHITE EARTH BAND	0.34489%	\$ 2,947,413
338	MISS BAND OF CHOCTAW INDIANS	2.08752%	\$ 17,839,972
339	MNI SOSE INTERTRIBAL WATER RIG	0.00615%	\$ 52,532
340	MOAPA BAND OF PAIUTE INDIANS	0.04183%	\$ 357,469
341	MODOC TRIBE OF OKLA	0.10238%	\$ 874,898
342	MOHEGAN TRIBE	0.00845%	\$ 72,255
343	MOORETOWN RANCHERIA	0.07534%	\$ 643,867
344	MORONGO BAND OF MISSION INDIAN	0.00955%	\$ 81,608
345	MUCKLESHOOT INDIAN TRIBE	0.14715%	\$ 1,257,568
346	MUSCOGEE (CREEK) NATION	0.47381%	\$ 4,049,178
347	N PLAINS INTERTRIBAL CT OF APP	0.02355%	\$ 201,274
348	NAKNEK VILLAGE COUNCIL	0.02449%	\$ 209,306
349	NANWALEK IRA COUNCIL	0.00187%	\$ 16,000
350	NAPASKIAK TRIBAL COUNCIL	0.01689%	\$ 144,318
351	NARRAGANSETT INDIAN TRIBE	0.30120%	\$ 2,574,094
352	NATIONAL TRIBAL DEVELOPMENT ASSCN.	0.00094%	\$ 8,000

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353	NATIVE AMERICAN COMMUNITY DEV	0.00187%	\$	16,000
354	NATIVE AMERICAN FAMILY SVCS IN	0.01779%	\$	152,000
355	NATIVE AMERICAN FISH/WILDLIFE	0.00094%	\$	8,000
356	NATIVE COUNCIL OF PORT HEIDEN	0.02235%	\$	190,981
357	NATIVE VILLAGE OF AKHIOK	0.00468%	\$	40,000
358	NATIVE VILLAGE OF AMBLER	0.01821%	\$	155,655
359	NATIVE VILLAGE OF CANTWELL	0.00468%	\$	40,000
360	NATIVE VILLAGE OF CHENEGA	0.00187%	\$	16,000
361	NATIVE VILLAGE OF DEERING	0.01940%	\$	165,832
362	NATIVE VILLAGE OF EKLUTNA	0.02664%	\$	227,682
363	NATIVE VILLAGE OF ELIM	0.00655%	\$	56,000
364	NATIVE VILLAGE OF FORT YUKON	0.00596%	\$	50,960
365	NATIVE VILLAGE OF GAKONA	0.01662%	\$	142,057
366	NATIVE VILLAGE OF KAKTOVIK	0.01458%	\$	124,610
367	NATIVE VILLAGE OF KALSKAG	0.00281%	\$	24,000
368	NATIVE VILLAGE OF KASIGLUK	0.02269%	\$	193,928
369	NATIVE VILLAGE OF KIVALINA	0.01895%	\$	161,927
370	NATIVE VILLAGE OF KLUTI-KAAH	0.01217%	\$	104,000
371	NATIVE VILLAGE OF MARSHALL	0.02879%	\$	246,048
372	NATIVE VILLAGE OF MEKORYUK	0.04403%	\$	376,280
373	NATIVE VILLAGE OF NAPAKIAK	0.00187%	\$	16,000
374	NATIVE VILLAGE OF NOATAK	0.02597%	\$	221,974
375	NATIVE VILLAGE OF NUIQSUT	0.01156%	\$	98,825
376	NATIVE VILLAGE OF PAIMIUT	0.01647%	\$	140,711
377	NATIVE VILLAGE OF PERRYVILLE	0.00094%	\$	8,000
378	NATIVE VILLAGE OF PITKA'S	0.01561%	\$	133,431
379	NATIVE VILLAGE OF POINT HOPE	0.09028%	\$	771,504
380	NATIVE VILLAGE OF SAVOONGA	0.00374%	\$	32,000
381	NATIVE VILLAGE OF SHELDON	0.00094%	\$	8,000
382	NATIVE VILLAGE OF SHUNGNAK	0.00094%	\$	8,000
383	NATIVE VILLAGE OF TAZLINA	0.00842%	\$	72,000
384	NATIVE VILLAGE OF TYONEK	0.03228%	\$	275,905
385	NATIVE VILLAGE OF UNALAKLEET	0.00749%	\$	64,000
386	NATIVE VILLAGE OF VENETIE	0.02316%	\$	197,887
387	NATIVE VILLAGE OF WALES	0.00420%	\$	35,926
388	NAVAJO AGRICULTURAL PROD INDUS	0.23748%	\$	2,029,533
389	NAVAJO NATION	6.77449%	\$	57,894,749
390	NAVAJO TECHNICAL COLLEGE	0.29616%	\$	2,530,986
391	NAY AH SHING SCHOOL	0.06289%	\$	537,493
392	NB INDIAN INTER TRIBAL DEV CO	0.00187%	\$	16,000

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393	NENANA NATIVE ASSOCIATION	0.00094%	\$ 8,000
394	NEVADA URBAN INDIANS INC.	0.01404%	\$ 120,000
395	NEW KOLIGANEK VILLAGE COUNCIL	0.00094%	\$ 8,000
396	NEW STUYAHOK TRADITIONAL	0.01762%	\$ 150,592
397	NEWHALEN TRIBAL COUNCIL	0.02409%	\$ 205,907
398	NEWTOK TRADITIONAL COUNCIL	0.02401%	\$ 205,185
399	NEZ PERCE TRIBE	0.55247%	\$ 4,721,415
400	NIGHTMUTE TRADITIONAL COUNCIL	0.01958%	\$ 167,309
401	NINILCHIK TRADITIONAL COUNCIL	0.05184%	\$ 443,061
402	NISQUALLY INDIAN TRIBE	0.56834%	\$ 4,857,030
403	NOBLE JOHNSON O'MALLEY INDIAN	0.00094%	\$ 8,000
404	NOME ESKIMO COMMUNITY	0.14200%	\$ 1,213,506
405	NONDALTON TRIBAL COUNCIL	0.04532%	\$ 387,342
406	NOOKSACK INDIAN TRIBE	0.27134%	\$ 2,318,853
407	NOORVIK IRA COUNCIL	0.02866%	\$ 244,914
408	NORTH FORK RANCHERIA	0.07573%	\$ 647,177
409	NORTHERN ARAPAHO TRIBE	0.25708%	\$ 2,197,045
410	NORTHERN CHEYENNE OF THE NORTHERN CHEYENNE INDIAN RESERVATION	0.30395%	\$ 2,597,598
411	NORTHERN NEVADA UNITED	0.00094%	\$ 8,000
412	NORTHERN PONCA HOUSING	0.00281%	\$ 24,000
413	NORTHERN PUEBLOS TRIBUTARY WTR	0.00842%	\$ 72,000
414	NORTHWAY VILLAGE COUNCIL	0.03338%	\$ 285,266
415	NORTHWEST INDIAN FISHERIES COM	0.88018%	\$ 7,521,980
416	NORTHWEST INTERTRIBAL COURT SY	0.07554%	\$ 645,598
417	NULATO TRIBAL COUNCIL	0.07050%	\$ 602,520
418	NUNAPITCHUK IRA COUNCIL	0.01123%	\$ 95,984
419	NW BAND OF SHOSHONI NATION	0.04292%	\$ 366,791
420	O S T PARK AND RECREATION AUTH	0.07643%	\$ 653,136
421	OGLALA LAKOTA COLLEGE	0.07462%	\$ 637,696
422	OGLALA SIOUX TRIBE	1.50168%	\$ 12,833,356
423	OHKAY OWINGEH TRIBE OF NEW MEXICO	0.14492%	\$ 1,238,451
424	OHOGAMIUT	0.00094%	\$ 8,000
425	OLD HARBOR TRIBAL COUNCIL	0.01884%	\$ 161,022
426	OMAHA TRIBE OF NEBRASKA	0.33232%	\$ 2,839,979
427	ONEIDA INDIAN NATION OF NY	0.11583%	\$ 989,921
428	ONEIDA TRIBAL SCHOOL	0.14350%	\$ 1,226,333
429	ONEIDA TRIBE OF WISCONSIN	0.08453%	\$ 722,398
430	ORGANIZED VILLAGE OF KASAAN	0.00187%	\$ 16,000
431	ORGANIZED VILLAGE OF KWETHLUK	0.05843%	\$ 499,349

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432	ORUTSARMIUT NATIVE COUNCIL	0.14845%	\$ 1,268,661
433	OSAGE NATION	0.11142%	\$ 952,163
434	OST PUBLIC SAFETY COMMISSION	1.40214%	\$ 11,982,657
435	OTOE MISSOURIA TRIBE OF OKLAHO	0.08682%	\$ 741,929
436	OTTAWA TRIBE OF OKLAHOMA	0.03149%	\$ 269,151
437	OUZINKIE TRIBAL COUNCIL	0.02635%	\$ 225,179
438	OWENS VALLEY INDIAN WATER COMM	0.01501%	\$ 128,262
439	PAIUTE INDIAN TRIBE OF UTAH	0.12693%	\$ 1,084,717
440	PALA BAND OF MISSION INDIANS	0.01217%	\$ 104,000
441	PASCUA YAQUI TRIBE	0.38640%	\$ 3,302,147
442	PASKENTA BAND OF NOMLAKI INDNS.	0.00655%	\$ 56,000
443	PASSAMAQUODDY TRIBE - J.T.C.	0.03305%	\$ 282,433
444	PASSAMAQUODDY TRIBE INDIAN TOWNSHIP	0.33490%	\$ 2,862,087
445	PASSAMAQUODDY TRIBE PLEASANT POINT	0.27022%	\$ 2,309,288
446	PAULOFF HARBOR TRIBE	0.00094%	\$ 8,000
447	PAUMA BAND OF MISSION INDIANS	0.02253%	\$ 192,558
448	PAWNEE NATION OF OKLAHOMA	0.13027%	\$ 1,113,277
449	PEACE PIPE INDIAN CENTER	0.00187%	\$ 16,000
450	PECHANGA BAND OF MISSION INDIA	0.01933%	\$ 165,211
451	PEDRO BAY VILLAGE COUNCIL	0.02801%	\$ 239,393
452	PENOBSCOT INDIAN NATION	0.47124%	\$ 4,027,235
453	PEORIA TRIBE OF OKLAHOMA	0.07727%	\$ 660,352
454	PETERSBURG INDIAN ASSOC	0.00842%	\$ 72,000
455	PICAYUNE RANCHERIA OF THE	0.10752%	\$ 918,849
456	PILOT STATION TRAD. COUNCIL	0.00187%	\$ 16,000
457	PINOLEVILLE POMO NATION	0.04051%	\$ 346,186
458	PINON COMMUNITY SCHOOL	0.00155%	\$ 13,206
459	PIT RIVER TRIBE	0.03577%	\$ 305,732
460	PLATINUM TRADITIONAL VILLAGE	0.01554%	\$ 132,795
461	POARCH BAND OF CREEK INDIANS	0.37014%	\$ 3,163,219
462	POINT NO POINT TREATY COUNCIL	0.06327%	\$ 540,736
463	POKAGON BAND OF POTAWATOMI	0.29111%	\$ 2,487,795
464	PONCA ECONOMIC DEVELOPMENT CORP	0.00866%	\$ 73,972
465	PONCA TRIBE OF NEBRASKA	0.27849%	\$ 2,379,942
466	PONCA TRIBE OF OKLAHOMA	0.08218%	\$ 702,310
467	PORT GAMBLE S'KLALLAM TRIBE	0.58757%	\$ 5,021,409
468	PORT GRAHAM VILLAGE COUNCIL	0.00187%	\$ 16,000
469	PORT LIONS TRAD. TRIBAL COUNC.	0.02729%	\$ 233,218
470	POTTER VALLEY TRIBE	0.01208%	\$ 103,203

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471	PRAIRIE BAND POTAWATOMI NATION	0.07717%	\$ 659,500
472	PRAIRIE ISLAND DAKOTA COMMUNITY	0.03190%	\$ 272,608
473	PUEBLO DE COCHITI	0.05461%	\$ 466,733
474	PUEBLO DE SAN HDEFONSO	0.04310%	\$ 368,293
475	PUEBLO OF ACOMA	0.15753%	\$ 1,346,280
476	PUEBLO OF ACOMA HOUSING	0.00468%	\$ 40,000
477	PUEBLO OF ISLETA	0.07288%	\$ 622,822
478	PUEBLO OF JEMEZ	0.09127%	\$ 779,962
479	PUEBLO OF LAGUNA	0.23078%	\$ 1,972,227
480	PUEBLO OF LAGUNA DEPT OF EDUC	0.02804%	\$ 239,622
481	PUEBLO OF NAMBE	0.03271%	\$ 279,517
482	PUEBLO OF PICURIS	0.03532%	\$ 301,867
483	PUEBLO OF POJOAQUE	0.07608%	\$ 650,204
484	PUEBLO OF SAN FELIPE	0.04898%	\$ 418,583
485	PUEBLO OF SANDIA	0.04086%	\$ 349,228
486	PUEBLO OF SANTA ANA	0.04587%	\$ 391,969
487	PUEBLO OF TAOS	0.21214%	\$ 1,812,962
488	PUEBLO OF ZIA	0.04552%	\$ 389,054
489	PUEBLO OF ZUNI	0.33220%	\$ 2,838,992
490	PUYALLUP TRIBE OF INDIANS	0.24773%	\$ 2,117,064
491	PYRAMID LAKE PAIUTE TRIBE	0.13636%	\$ 1,165,341
492	QAGAN TAYAGUNGIN TRIBES	0.01694%	\$ 144,762
493	QUALINGIN TRIBE OF UNALASKA	0.02361%	\$ 201,813
494	QUAPAW TRIBE OF OKLAHOMA	0.06853%	\$ 585,691
495	QUARTZ VALLEY INDIAN RESERVATI	0.07495%	\$ 640,525
496	QUECHAN TRIBE	0.09785%	\$ 836,207
497	QUILEUTE TRIBAL COUNCIL	0.67302%	\$ 5,751,626
498	QUINULT INDIAN NATION	2.66915%	\$ 22,810,544
499	QUTEKCAK NATIVE TRIBE	0.00187%	\$ 16,000
500	RAMAH NAVAJO CHAPTER	0.91493%	\$ 7,818,999
501	RAMAH NAVAJO SCHOOL BOARD INC	0.18834%	\$ 1,609,558
502	RAMONA BAND OF CAHUILLA	0.02707%	\$ 231,335
503	RAMPART VILLAGE COUNCIL	0.00094%	\$ 8,000
504	RAPID CITY INDIAN HEALTH BRD.	0.00187%	\$ 16,000
505	RED CLIFF BAND OF LAKE SUPERIO	0.25842%	\$ 2,208,428
506	RED DEVIL TRADITIONAL COUNCIL	0.00094%	\$ 8,000
507	RED HORSE LODGE INC	0.00481%	\$ 41,069
508	RED LAKE BAND OF CHIPPEWA INDIANS	0.56560%	\$ 4,833,598
509	REDDING RANCHERIA	0.11950%	\$ 1,021,210
510	REDWOOD VALLEY LITTLE RIVER	0.04229%	\$ 361,453

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511	RENO SPARKS TRIBAL COUNCIL	0.06389%	\$ 545,995
512	RESERVATION FIRE PROT. DIST.	0.00374%	\$ 32,000
513	RESERVATION TRANSPRTN AUTHORITY	0.00691%	\$ 59,040
514	RINCON BAND OF MISSION INDIANS	0.02716%	\$ 232,068
515	RIVERSIDE-SAN BERNARDINO	0.02826%	\$ 241,471
516	ROBINSON RANCHERIA	0.04020%	\$ 343,589
517	ROCK POINT SCHOOL INC	0.00187%	\$ 16,000
518	ROSEBUD SIOUX TRIBE	0.62464%	\$ 5,338,189
519	ROUND VALLEY RESERVATION	0.11845%	\$ 1,012,253
520	ROUNDHOUSE COUNCIL, INC.	0.01591%	\$ 136,000
521	RUBY TRIBAL COUNCIL	0.01950%	\$ 166,682
522	RUMSEY INDIAN RANCHERIA	0.00936%	\$ 80,000
523	SAC AND FOX NATION	0.38496%	\$ 3,289,875
524	SAC AND FOX SETTLEMENT SCHOOL	0.09032%	\$ 771,888
525	SAC AND FOX TRIBE OF MISSOURI	0.01900%	\$ 162,370
526	SAC AND FOX TRIBE OF THE MISSISSIPPI IN IOWA	0.06607%	\$ 564,601
527	SAGINAW CHIPPEWA INDIAN TRIBE	0.14245%	\$ 1,217,408
528	SALISH/KOOTENAI COLLEGE	0.02804%	\$ 239,653
529	SALT RIVER PIMA MARICOPA	0.38624%	\$ 3,300,830
530	SAMISH INDIAN NATION	0.08550%	\$ 730,696
531	SAN CARLOS APACHE TRIBE	1.65915%	\$ 14,179,085
532	SAN DIEGO UNIFIED SCHL DIST.	0.00187%	\$ 16,000
533	SAN FELIPE PUEBLO HOUSING	0.00281%	\$ 24,000
534	SAN JUAN SOUTHERN PAIUTE TRIBE	0.06121%	\$ 523,067
535	SAN LUIS REY WATER AUTHORITY	0.00094%	\$ 8,000
536	SAN MANUEL BAND-MISSION INDIAN	0.00468%	\$ 40,000
537	SAN PASQUAL BAND OF MISSION IN	0.02760%	\$ 235,874
538	SAN XAVIER DISTRICT	0.00749%	\$ 64,000
539	SANTA CLARA PUEBLO	0.15663%	\$ 1,338,576
540	SANTA FE INDIAN SCHOOL	0.00094%	\$ 8,000
541	SANTA ROSA BAND OF MISSION IND	0.00858%	\$ 73,347
542	SANTA YNEZ BAND OF MISSION IND	0.03390%	\$ 289,700
543	SANTA YNEZ TRIBAL HEALTH CLINI	0.00374%	\$ 32,000
544	SANTEE SIOUX NATION	0.12505%	\$ 1,068,717
545	SANTO DOMINGO TRIBE	0.06125%	\$ 523,422
546	SAUK SUIATTLE INDIAN TRIBE	0.10866%	\$ 928,566
547	SAULT STE MARIE TRIBE	0.50121%	\$ 4,283,366
548	SCAMMON BAY TRAD. COUNCIL	0.00187%	\$ 16,000
549	SCOTTS VALLEY RANCHERIA	0.02686%	\$ 229,578

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550	SELAWIK NATIVE VILLAGE	0.05218%	\$ 445,937
551	SELDOVIA VILLAGE TRIBE	0.05094%	\$ 435,291
552	SEMINOLE NATION OF OKLAHOMA	0.08779%	\$ 750,283
553	SEMINOLE TRIBE OF FLORIDA	0.46908%	\$ 4,008,781
554	SENECA CAYUGA TRIBE OF OKLAHOM	0.05285%	\$ 451,624
555	SENECA NATION OF INDIANS	0.10983%	\$ 938,640
556	SHAKOPEE MDEWAKANTON SIOUX	0.01796%	\$ 153,521
557	SHAKTOOLIK, NATIVE VILLAGE OF	0.00562%	\$ 48,047
558	SHAWNEE TRIBE	0.00752%	\$ 64,244
559	SHERWOOD VALLEY RANCHERIA	0.05402%	\$ 461,616
560	SHINGLE SPRINGS RANCHERIA	0.04285%	\$ 366,177
561	SHINNECOCK INDIAN NATION FUND,	0.00516%	\$ 44,110
562	SHIPROCK ASSOCIATED SCHOOLS INC	0.00103%	\$ 8,824
563	SHISHMAREF NATIVE VILLAGE OF	0.00749%	\$ 64,000
564	SHOAL WATER BAY TRIBAL COUNCIL	0.17833%	\$ 1,524,012
565	SHOSHONE & ARAPAHOE TRIBES	0.08333%	\$ 712,172
566	SHOSHONE BANNOCK TRIBES INC	0.62352%	\$ 5,328,596
567	SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING	0.08575%	\$ 732,806
568	SICANGU CHILD AND FAMILY SERV	0.00468%	\$ 40,000
569	SILETZ, CONFEDERATED TRIBES OF	0.41421%	\$ 3,539,803
570	SINTE GLESKA UNIVERSITY	0.13651%	\$ 1,166,653
571	SIOUX CITY IND EDUC COMMITTEE	0.01404%	\$ 120,000
572	SISSETON WAHPETON HOUSING AUTH	0.01591%	\$ 136,000
573	SISSETON-WAHPETON COMM.COLLEGE	0.02104%	\$ 179,790
574	SISSETON-WAHPETON OYATE	0.26098%	\$ 2,230,366
575	SITKA TRIBE	0.32674%	\$ 2,792,295
576	SITTING BULL COLLEGE	0.04227%	\$ 361,250
577	SKAGIT SYSTEM COOPERATIVE	0.10101%	\$ 863,230
578	SKAGWAY VILLAGE	0.00281%	\$ 24,000
579	SKOKOMISH INDIAN TRIBE	0.33715%	\$ 2,881,318
580	SKULL VALLEY BAND OF GOSHUTES	0.01123%	\$ 96,000
581	SKY PEOPLE HIGHER EDUCATION	0.19085%	\$ 1,631,036
582	SLEETMUTE TRADITIONAL COUNCIL	0.01120%	\$ 95,681
583	SMITH RIVER RANCHERIA	0.06628%	\$ 566,400
584	SNOQUALMIE INDIAN TRIBE	0.04356%	\$ 372,285
585	SO PUGET INTER TRIBAL PLANNING	0.00281%	\$ 24,000
586	SOBOBA BAND OF MISSION INDIANS	0.02207%	\$ 188,618
587	SOKAOGON CHIPPEWA COMMUNITY	0.05808%	\$ 496,386
588	SOUTH FORK BAND COUNCIL	0.01498%	\$ 128,000

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589	SOUTH NAKNEK VILLAGE COUNCIL	0.01527%	\$ 130,524
590	SOUTHERN CA INDIAN CENTER INC	0.00685%	\$ 58,549
591	SOUTHERN CALIF TRIBAL CHAIRMEN	0.00374%	\$ 32,000
592	SOUTHERN INDIAN HEALTH COUNCIL	0.06418%	\$ 548,459
593	SOUTHERN UTE INDIAN TRIBE	0.19042%	\$ 1,627,330
594	SPIRIT LAKE SIOUX TRIBE	0.13716%	\$ 1,172,186
595	SPOKANE TRIBE OF THE SPOKANE RESERVATION	0.20859%	\$ 1,782,628
596	SQUAXIN ISLAND TRIBAL COUNCIL	0.49393%	\$ 4,221,168
597	ST CROIX TRIBAL COUNCIL ET	0.05318%	\$ 454,519
598	ST MICHAEL,NATIVE VILLAGE OF	0.01030%	\$ 88,000
599	ST MICHAELS ASSN FOR SPL ED	0.13713%	\$ 1,171,899
600	ST REGIS MOHAWK TRIBE	0.12663%	\$ 1,082,201
601	ST. GEORGE TRADITIONAL COUNCIL	0.00094%	\$ 8,000
602	ST. PAUL IRA COUNCIL	0.01123%	\$ 96,000
603	STANDING ROCK SIOUX TRIBE	0.49717%	\$ 4,248,834
604	STEBBINS COMMUNITY ASSOCIATION	0.00281%	\$ 24,000
605	STEVENS VILLAGE COUNCIL	0.02350%	\$ 200,827
606	STILLAGUAMISH BOARD OF DIRECTO	0.20602%	\$ 1,760,618
607	STOCKBRIDGE MUNSEE COMMUNITY	0.04553%	\$ 389,118
608	SUMMIT LAKE PAIUTE TRIBE	0.11451%	\$ 978,567
609	SUN'AQ TRIBE OF KODIAK	0.07718%	\$ 659,565
610	SUPERINTENDENT OF PUBLIC INSTRUCTION	0.00094%	\$ 8,000
611	SUQUAMISH INDIAN TRIBE OF THE PORT MADISON RESERVATION	0.61906%	\$ 5,290,464
612	SUSANVILLE INDIAN RANCHERIA	0.05386%	\$ 460,299
613	SWINOMISH INDIAN TRIBE	0.31367%	\$ 2,680,612
614	SYCUAN BAND OF MISSION INDIANS	0.00802%	\$ 68,561
615	TABLE MOUNTAIN RANCHERIA	0.01591%	\$ 136,000
616	TANACROSS VILLAGE COUNCIL	0.01942%	\$ 165,929
617	TANANA CHIEFS CONFERENCE, INC.	1.37855%	\$ 11,781,048
618	TANANA IRA NATIVE COUNCIL	0.05295%	\$ 452,470
619	TANGIRNAQ NATIVE VILLAGE	0.02118%	\$ 181,002
620	TATITLEK IRA COUNCIL	0.00187%	\$ 16,000
621	TE MOAK TRIBE-WESTERN SHOSHONE	0.05902%	\$ 504,407
622	TELIDA TRIBAL COUNCIL	0.00094%	\$ 8,000
623	TE-MOAK SHOSHONE LAW ENFRCE SV	0.01043%	\$ 89,105
624	TESUQUE PUEBLO	0.04426%	\$ 378,287
625	THLOPTHLOCCO TRIBAL TOWN	0.04035%	\$ 344,825
626	THREE AFFILIATED TRIBES	0.92881%	\$ 7,937,650

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627	TIMBISHA SHOSHONE TRIBE	0.02584%	\$ 220,838
628	TLINGIT-HAIDA, CENTRAL COUNCIL OF	1.33915%	\$ 11,444,365
629	TODD COUNTY SCHOOL DIST 66-1	0.00281%	\$ 24,000
630	TO'HAIJILEE COMMUNITY SCHOOL	0.09937%	\$ 849,222
631	TOHATCHI SPECIAL EDUC & TRG CT	0.02048%	\$ 175,041
632	TOHONO O'ODHAM COMMUNITY COLLEGE	0.01564%	\$ 133,677
633	TOHONO O'ODHAM HOUSING AUTHORITY	0.00562%	\$ 48,000
634	TOHONO O'ODHAM NATION	0.95148%	\$ 8,131,315
635	TOIYABE INDIAN HEALTH PROJ, INC	0.00986%	\$ 84,302
636	TOKSOOK BAY TRADITIONAL COUNCIL	0.02283%	\$ 195,082
637	TONKAWA TRIBE OF OKLAHOMA	0.07977%	\$ 681,705
638	TONTO APACHE TRIBE	0.02777%	\$ 237,326
639	TORRES MARTINEZ BD OF MISSION	0.03447%	\$ 294,620
640	TRADITIONAL COUNCIL OF TOGIAK	0.01834%	\$ 156,743
641	TRENTON INDIAN SERVICE AREA	0.02562%	\$ 218,944
642	TRIBAL FISHCO, LLC	0.00281%	\$ 24,000
643	TRINIDAD RANCHERIA	0.08301%	\$ 709,440
644	TULALIP TRIBES OF WASHINGTON	0.45306%	\$ 3,871,859
645	TULE RIVER TRIBAL COUNCIL	0.06673%	\$ 570,276
646	TULUKSAK IRA COUNCIL	0.03033%	\$ 259,170
647	TUNICA-BILOXI INDIANS OF LOUISIANA	0.14926%	\$ 1,275,534
648	TUNTUTULIAK TRADITIONAL COUNCIL	0.00187%	\$ 16,000
649	TUNUNAK IRA COUNCIL	0.02338%	\$ 199,817
650	TUOLUMNE RANCHERIA	0.02811%	\$ 240,231
651	TURTLE MOUNTAIN BAND	0.29544%	\$ 2,524,820
652	TURTLE MOUNTAIN COMMUNITY COLL	0.03351%	\$ 286,354
653	TWENTY-NINE PALMS BAND OF	0.00725%	\$ 61,984
654	TWIN BUTTES SCHOOL DISTRICT 37	0.01791%	\$ 153,085
655	TWIN HILLS VILLAGE COUNCIL	0.00562%	\$ 48,000
656	UGASHIK TRADITIONAL COUNCIL	0.00655%	\$ 56,000
657	UINTAH/OURAY UTE INDIAN TRIBE	0.11446%	\$ 978,167
658	UMKUMIUTE TRADITIONAL COUNCIL	0.01453%	\$ 124,175
659	UNITED CROW BAND INC	0.01380%	\$ 117,944
660	UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA	0.02665%	\$ 227,758
661	UNITED SIOUX TRIBES DEV CORP	0.03822%	\$ 326,656
662	UNITED SOUTH AND EASTERN	0.00936%	\$ 80,000
663	UNITED TRIBES TECHNICAL COLLEGE	0.49355%	\$ 4,217,912
664	UNITED VILLAGES INC	0.02856%	\$ 244,033
665	UPPER COLUMBIA UNITED TRIBES	0.02907%	\$ 248,430

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666	UPPER KALSKAG TRAD. COUNCIL	0.00187%	\$ 16,000
667	UPPER SIOUX COMMUNITY	0.02398%	\$ 204,948
668	UPPER SKAGIT INDIAN TRIBE	0.16729%	\$ 1,429,626
669	UTE MOUNTAIN UTE TRIBE	0.26278%	\$ 2,245,685
670	VALDEZ NATIVE TRIBE	0.02580%	\$ 220,512
671	VIEJAS BAND OF MISSION INDIANS	0.00655%	\$ 56,000
672	VILLAGE OF AFOGNAK	0.03045%	\$ 260,233
673	VILLAGE OF ANIAK	0.01123%	\$ 96,000
674	VILLAGE OF LOWER KALSKAG	0.00468%	\$ 40,000
675	VILLAGE OF SALAMATOFF	0.00118%	\$ 10,108
676	WAHPETON INDIAN SCH BRD INC	0.18153%	\$ 1,551,369
677	WAINWRIGHT TRADITIONAL COUNCIL	0.00609%	\$ 52,072
678	WALKER RIVER PAIUTE TRIBE	0.09678%	\$ 827,060
679	WAMPANOAG TRIBE OF GAY HEAD	0.34825%	\$ 2,976,107
680	WASHOE TRIBE	0.05546%	\$ 473,942
681	WELLS BAND COUNCIL	0.03895%	\$ 332,883
682	WHITE MOUNTAIN APACHE TRIBE	0.67230%	\$ 5,745,487
683	WHITE MOUNTAIN NATIVE VILLAGE	0.00562%	\$ 48,000
684	WICHITA AND AFFILIATED TRIBES	0.03312%	\$ 283,055
685	WILTON RANCHERIA	0.00281%	\$ 24,000
686	WINGATE BOARD OF EDUCATION INC	0.13583%	\$ 1,160,773
687	WINNEBAGO TRIBE OF NEBRASKA	0.13870%	\$ 1,185,289
688	WINNER SCHOOL DISTRICT 59-2	0.00281%	\$ 24,000
689	WIYOT TRIBE	0.05659%	\$ 483,650
690	WYANDOTTE TRIBE OF OKLAHOMA	0.08391%	\$ 717,112
691	YAKUTAT TLINGIT TRIBE	0.08981%	\$ 767,520
692	YANKTON SIOUX TRIBE	0.17534%	\$ 1,498,447
693	YAVAPAI APACHE TRIBE	0.20038%	\$ 1,712,435
694	YAVAPAI PRESCOTT TRIBE	0.07897%	\$ 674,838
695	YERINGTON PAIUTE TRIBE	0.04705%	\$ 402,080
696	YOMBA SHOSHONE TRIBE	0.08739%	\$ 746,800
697	YSLETA DEL SUR PUEBLO	0.14667%	\$ 1,253,472
698	YUPIIT OF ANDREAFSKI	0.02318%	\$ 198,138
699	YUROK TRIBE	0.74809%	\$ 6,393,182

<b>Total</b>	<b>100.00000%</b>	<b>\$ 854,600,000</b>
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	Tribes	Claim Years Settled	No. of Claim Years	Date Settled	Settlement Amount	Interest	Total with Interest
1	Alamo Navajo School Board	2006	1	05/01/14	\$109,901	\$4,152.93	\$114,053.93
2	Aleutian Island Pribilof Assoc	FY 2005 - 2011	7	04/01/14	\$3,290,000	\$191,146.81	\$3,481,146.81
3	ANTHC	FY 1999 - FY 2013	15	06/25/14	\$115,500,000	\$37,767,114.48	\$153,267,114.48
4	ASNA	FY 1999 - FY 2000	2	05/08/13	\$1,400,000	\$426,696.00	\$1,826,696.00
5	ASNA	FY 1996 - FY 1998	3	11/27/13	\$1,700,000	\$537,878.22	\$2,237,878.22
6	ASNA	FY 2004 - FY 2011	8	03/07/14	\$3,600,000	\$176,967.19	\$3,776,967.19
7	ASNA IV	FY 2012 - 2013	2	03/19/15	\$500,000	\$10,407.54	\$510,407.54
8	Battle Mountain - Te-Moak of Western Shoshone	FY 2006 - 2010	5		\$172,500	\$9,453.39	\$181,953.39
9	BBAHC	FY 1993 - FY 2011	19	03/05/14	\$25,500,000	\$0.00	\$25,500,000.00
10	Burns Paiute Tribe	FY 2006 - 2010	5		\$200,000	\$11,436.64	\$211,436.64
11	Canoncito Band of Navajos Hith Ctr.	FY 2007 - 2009	3	01/12/15	\$151,604	\$4,879.88	\$156,483.88
12	Cherokee - Okla	FY 2005 - FY 2013	9	06/13/14	\$29,500,000	\$1,659,381.33	\$31,159,381.33
13	Chickaloon Village Trad. Council	FY 2008 - 2013	6	03/01/15	\$25,887	\$421.38	\$26,308.38
14	Chickasaw	FY 1996 - FY 2013	18	04/02/14	\$36,000,000	\$11,827,540.76	\$47,827,540.76
15	Choctaw	FY 1994 - FY 2013	20	03/18/14	\$40,100,000	\$13,354,466.86	\$53,454,466.86
16	Chugachmiut	FY 1999 - 2011	13	09/29/14	\$2,208,357	\$625,868.79	\$2,834,225.79
17	Citizen Potawatomi	FY 1997 - FY 2013	17	07/31/14	\$12,480,000	\$4,285,234.41	\$16,765,234.41
18	Coeur d'Alene Tribe	FY 2006 - 2011	6	02/27/15	\$4,500,000	\$0.00	\$4,500,000.00
19	Coeur d'Alene Tribe	?			\$258,651	\$0.00	\$258,650.71
20	Colorado River Indian Tribes	FY 2006	1		\$20,500	\$1,012.63	\$21,512.63
21	Colville, Confederated Tribes of Umatilla	FY 1993, 1998 - 2004	8	02/06/14	\$250,000	\$0.00	\$250,000.00
22	Colville, Confederated Tribes of Umatilla	FY 2005-2012	8	03/10/15	\$1,400,000	\$0.00	\$1,400,000
23	Confederated Tribes of Siletz Indians	FY 2006 - 2010	5		\$800,000		\$800,000
24	Consolidated Tribal Health	FY 2005 - FY 2008	4	05/01/14	\$1,000,000	\$0.00	\$1,000,000.00
25	Copper River Native Asso.	FY 1995-1999 &	11	09/19/14	\$961,972	\$273,817.73	\$1,235,789.73
26	Cochille Indian Tribe	FY 2005 - 2011	7	05/14/15	1,500,000	\$103,864.76	\$1,603,864.76
27	Council of Athabaskan Tribal Gvts.	FY 2005 - 2011	7	02/23/15	\$1,229,000	\$90,634.56	\$1,319,634.56
28	Crowitz Indian Tribe	FY 2006 - 2010	5	02/02/15	\$844,000	\$40,435.69	\$884,435.69
29	CRHB	FY 2006 - 2010	5	09/19/14	\$13,295,315	\$590,336.03	\$13,885,651.03
30	CSKT	FY 2006, 2008	2		\$408,039.37	\$23,968.59	\$432,007.96
31	Eastern Band of Cherokee	FY 2006 - 2010	5	01/28/15	\$3,867,500.00	\$163,184.09	\$4,030,684.09
32	EATI & II	FY 2006 - 2013	8	08/22/14	\$3,517,775	\$159,026.19	\$3,676,801.19
33	Eklutna	FY 2006-2011	6	10/20/14	\$7,218	\$333.93	\$7,551.93
34	Fairbanks Native Asso.	FY 2006 - 2013	8	11/19/14	\$447,923	\$21,459.70	\$469,382.70
35	Fond du Lac	FY 1995-2003 & 2006-	14	01/12/15	\$1,676,974	\$485,245.62	\$2,162,219.62
36	Forest County Potawatomi	FY 2006 - FY 2011	6	03/27/14	\$1,329,215	\$40,046.37	\$1,369,261.37
37	Fort Belknap	FY 2007	1	03/03/15	\$109,529	\$3,927.29	\$113,456.29

38	Fort Mojave	FY 2006 - 2008	3	11/18/14	\$220,000	\$9,975.62	\$229,975.62
39	Fort Peck	1995 - 2005 - 2010	7	03/05/15	\$297,006	\$99,896.54	\$396,902.54
40	Gila River Indian Community	FY 2006 - 2008 - 2009	3		\$2,100,756	\$129,785.47	\$2,230,541.47
41	Grand Ronde	FY 1996 - FY 2011	16	07/14/14	\$8,500,000	\$2,865,648.75	\$11,365,648.75
42	Grand Traverse Band Ottawa & Chippewa	FY 2006 - 2010	5		\$50,000	\$2,976.28	\$52,976.28
43	Hoopa Valley	FY 2006 - 2013	8		\$5,400,000	\$112,771.23	\$5,512,771.23
44	KANA	1997-2001-2003-2013	16	08/21/14	\$3,800,000	\$1,263,480.44	\$5,063,480.44
45	KAW Nation	FY 2005 - FY 2013	9	08/08/14	\$1,200,000	\$52,907.87	\$1,252,907.87
46	Kenai'tze	FY 2006 - 2011	6	11/10/14	\$842,120	\$38,167.94	\$880,287.94
47	Ketchikan Indian Community	FY 1998 - FY 2000	3	03/01/14	\$564,989	\$117,742.07	\$682,731.07
48	Ketchikan Indian Community	FY 2001 - 2011	11	02/06/15	\$3,000,000	\$207,893.89	\$3,207,893.89
49	Keweenaw Bay Indian Community	FY 2004 - 2009	6	05/01/14	\$1,900,000	\$85,601.99	\$1,985,601.99
50	Klamath Tribal Health and Family Services	2005 - 2013	9	03/04/15	\$4,800,000.00	\$315,435.71	\$5,115,435.71
51	Kootenai Tribe of Idaho	2006	1		\$0		\$0
52	Lac Courte Oreilles Band	FY 2005 - 2011	7	12/00/14	\$995,947	\$60,742.56	\$1,056,689.56
53	Lac du Flambeau of Lake Supr Chippewa	FY 2006 - 2011	6	12/02/14	\$2,291,009	\$97,156.61	\$2,388,165.61
54	Lac Vieux Band of Lake Superior Chippewa	FY 2008 - 2010	5	3/24/2015	\$382,011	\$8,760.09	\$390,771.09
55	Lac Vieux Band of Lake Superior Chippewa	FY 2006 - FY 2007	2	02/07/15	\$98,034	\$4,534.51	\$102,568.51
56	Las Vegas Paiute Tribe	FY 2006 - 2007	2	03/20/15	\$75,000	\$3,410.95	\$78,410.95
57	Leech Lake of Ojibwe	FY 2006 - 2011	6	11/06/14	\$1,554,118	\$62,134.73	\$1,616,252.73
58	Little River Band	FY 2006 - FY 2011	6	06/16/14	\$950,000	\$30,069.34	\$980,069.34
59	Little Traverse Bay Bands	FY 2006 - FY 2010	5	05/29/14	\$400,756	\$10,935.38	\$411,691.38
60	Ma'akah Tribal Council	FY 2006 - 2008	3		\$2,064,753	\$0.00	\$2,064,753.00
61	Manilaq Asso I	FY 2006 - FY 2011	6	02/06/14	\$25,000,000	\$0.00	\$25,000,000.00
62	Manilaq Asso II	2012 (2005/7)	1	03/04/15	\$2,969,425	\$193,510.97	\$3,162,935.97
63	Match-E-Be-Nash-She-Wish	FY 2006 - 2007	2	05/01/14	\$28,207	\$530.49	\$28,736.99
64	Menominee Indian Tribe	FY 2005 - 2012	8	10/22/14	\$6,508,323	\$0.00	\$6,508,323.00
65	Metlakatla Indian Community	FY 2005 - 2011	7	04/01/14	\$3,300,000	\$200,678.50	\$3,500,678.50
66	Millie Lacs Band of Ojibwe	FY 2006 - 2010	5	07/24/14	\$1,500,000	\$53,714.02	\$1,553,714.02
67	Mississippi Band of Choctaw	2006-2007	2		\$260,000		\$260,000.00
68	Mississippi Band of Choctaw	FY 2008	1		\$114,460	\$2,803.87	\$117,263.87
69	Mt. Sanford Tribal Consortium	FY 2005 - 2011	7	04/01/14	\$325,000	\$18,851.12	\$343,851.12
70	Muckleshoot	FY 2006 - 2010	5		\$100,000	\$5,343.64	\$105,343.64
71	Narragansett	FY 2007 - 2012	6	06/15/15	\$610,000	\$25,576.13	\$635,576.13
72	Nez Perce	FY 1998-2013	16	09/25/14	\$8,190,921	\$1,680,352.06	\$9,871,273.06
73	Nimichik Traditional Council	FY 2006 - 2013	8	10/20/14	\$635,988	\$26,498.75	\$662,486.75
74	Nisqually Indian Tribe	FY 2006 - 2010	5		\$320,993	\$19,068.53	\$340,061.53
75	Nooksack Indian Tribe	FY 2006 - 2007	2	01/27/15	\$35,000	\$1,641.14	\$36,641.14
76	Northern Arapaho Business Council	FY 2006 - 2008	3		\$200,000	\$11,995.44	\$211,995.44
77	Northern Valley Indian Health	Fy 2009 - 2012	4	02/13/15	\$455,000	\$10,044.29	\$465,044.29

78	Northwest Portland Area Indian Hlth Bd	FY 2005 - 2012	8	02/02/15	\$1,350,000	\$65,323.42	\$1,415,323.42
79	Norton Sound Health C - AK	FY 2000 - 2011	12	04/01/14	\$8,800,000	\$0.00	\$8,800,000.00
80	Nottawaseppi Huron Potawatomi	FY 2006	1	07/23/14	\$33,060	\$1,117.76	\$34,177.76
81	Ogala Sioux Tribe	FY 2003, 2006 - 2011	7	01/01/15	\$3,400,000	\$1,144,490.01	\$4,544,490.01
82	Omaha Tribe of Nebraska	FY 1995 - 2011	17		\$8,019,528		\$8,019,528
83	Oneida Tribe of Wisconsin	FY 2006, 2008 - 2010	4	11/17/14	\$233,070.00	\$9,679.04	\$242,749.04
84	Penobscot Indian Nation	FY 2006 - 2007	2	06/01/14	\$215,000	\$5,991.78	\$220,991.78
85	Pir River Health Svc.	FY 2006 - 2010	5	09/19/14	\$776,273	\$34,505.04	\$810,778.04
86	Poarch	FY 2005	1	08/20/13	\$128,744	\$5,157.00	\$133,901.00
87	Poarch	FY 2006 - FY 2009	4	07/11/14	\$479,000	\$8,456.32	\$487,456.32
88	Potomac Band of Potawatomi	FY 2010 - 2013	4	01/08/15	\$1,890,900	\$42,182.61	\$1,933,082.61
89	Ponca Tribe of Nebraska	FY 1993 - 1995, 1999 -	13	06/02/15	\$1,705,000	\$589,903.69	\$2,294,903.69
90	Port Gamble	FY 1997 - FY 2013	17	08/20/14	\$3,026,688	\$1,023,274.83	\$4,049,963.83
91	Pueblo de Isleta	FY 2006-2013	8	01/23/15	\$2,028,234	\$92,891.22	\$2,121,125.22
92	Pueblo de Jemez	2006	1	08/19/14	\$285,000	\$11,609.16	\$296,609.16
93	Pueblo of Laguna	FY 2006 - 2009	4	03/18/15	\$500,000		\$500,000
94	Pueblo of Pojoneque	FY 2006	1		\$0		\$0
95	Pueblo of Taos	2006	1	06/01/14	\$22,348	\$819.49	\$23,167.49
96	Pueblo of Zuni	FY 2002-2010	9	11/10/14	\$219,012	\$9,479.99	\$228,491.99
97	Puyallup	FY 2006 - 2011	6	05/04/15	\$1,750,000	\$104,846.14	\$1,854,846.14
98	Quechan Tribe of Ft Yuma Indian Res.	FY 2006 - 2007	2	01/30/15	\$31,985		\$31,985
99	Red Cliff Band of Lake Superior Chippewa	FY 2008 - 2012	5		\$475,221	\$11,382.51	\$486,603.51
100	Red Cliff Band of Lake Superior Chippewa	FY 2006	1		\$1,135	\$68.08	\$1,203.08
101	Red Lake	FY 2006 - FY2010	5	05/13/14	\$1,670,000	\$57,340.81	\$1,727,340.81
102	Reno-Sparks Indian Colony	FY 2006 - 2012	7	11/26/14	\$1,000,000	\$40,491.44	\$1,040,491.44
103	Riverside-San Bernardino	FY 2006 - 2013	8	09/22/14	\$13,860,000	\$698,463.23	\$14,558,463.23
104	Rocky Boy - Chippewa Cree Tribe	FY 2001-2011	11	10/20/14	\$6,691,100	\$1,559,175.15	\$8,250,275.15
105	Saginaw Chippewa of Michigan	2007	1	10/29/14	\$113,000	\$3,232.11	\$116,232.11
106	Saginaw Chippewa of Michigan	2006	1		\$84,036	\$4,690.62	\$88,726.62
107	Saginaw Chippewa of Michigan	FY 2008 - 2011	4		\$679,925	\$13,770.81	\$693,695.81
108	Saint Regis Mohawk Tribe	FY 2005-2011	7	08/20/14	\$1,300,000	\$76,935.98	\$1,376,935.98
109	San Carlos Apache Tribe	FY 2006-2007	2	06/24/15	\$223,500	\$13,234.24	\$236,734.24
110	Santa Ynez Tribal Hlth Clinic	FY 2006 - 2010	5	01/27/15	\$777,000	\$35,923.51	\$812,923.51
111	Sault Ste Marie	FY 2006 - FY 2009	4	03/18/14	\$1,337,069	\$45,528.98	\$1,380,597.98
112	SEARHC	FY 1999 - FY 2013	15	06/27/14	\$39,500,000	\$12,979,875.47	\$52,479,875.47
113	Seldovia Village Tribe	1995, 2005 - 2011	8	04/08/15	\$1,505,587.00	\$101,214.66	\$1,606,801.66
114	Seminole Tribe of Florida	1995, 2000, 2002,	8	02/06/15	\$2,131,541.00	\$133,761.55	\$2,265,302.55
115	Shakopee	FY 2006 - 2010	5	04/01/14	296,154	\$9,964.24	\$306,118.24
116	Shoalwater Bay Indian Tribe	FY 2005 - 2012	8	03/27/15	\$1,000,000.00	\$66,595.91	\$1,066,595.91
117	Shoshone Paiute	FY 2005-2010	6	11/00/14	\$1,350,000	\$88,004.31	\$1,438,004.31

118	Shoshone-Bannock	FY2007 - FY2013	7	08/25/14	\$1,000,000	\$41,874.15	\$1,041,874.15
119	SHFC	FY 2005 - FY 2013	9	07/01/14	\$5,300,000	\$794,930.57	\$5,994,930.57
120	Skokomish - Portland	FY 2006 - FY 2010	5	02/10/14	\$650,634	\$18,634.90	\$669,268.90
121	Sokaogon Chippewa Comm.	FY 2006 - FY 2013	5	07/29/14	\$193,792	\$3,624.32	\$197,416.32
122	Southern Ute Indian Tribe	FY 1997 - FY 2013	17	04/22/14	\$96,500,000	\$31,537,157.52	\$128,037,157.52
123	Southern Ute Indian Tribe	FY 1993, 1995 - 2001,	15	07/17/15	\$1,100,000	\$0.00	\$1,100,000.00
124	Squaxin Island	FY 2006-2013	8	03/12/15	\$1,137,000	\$67,380.21	\$1,204,380.21
125	St Croix	FY 1996 - FY 2010	15	07/10/14	\$375,000	\$40,351.56	\$415,351.56
126	Suquamish Indian Tribe	FY 2005 - 2012	8	03/04/15	\$1,000,000	\$65,647.28	\$1,065,647.28
127	Susanville Rancheria	CY 2005 - CY 2008	4	06/09/14	\$1,000,000	\$0.00	\$1,000,000.00
128	Tanana, Native Village	FY 2006-2011	6	10/16/14	\$520,212	\$27,503.79	\$547,715.79
129	TCC	FY 1999 - 2011	13	09/30/14	\$16,000,000	\$5,276,958.75	\$21,276,958.75
130	Tohono O'odham Nation	FY 2006 - 2010	5	12/19/14	\$530,000	\$25,983.85	\$555,983.85
131	Toiyabe Indian Hlth Proj.	FY 2006 - 2013	8	09/22/14	\$2,500,000	\$0.00	\$2,500,000.00
132	Tuba City Regional Health Care	FY 2006 - 2011	6		\$18,500,000	\$942,292.77	\$19,442,292.77
133	Tulalip Tribes of Washington	FY 2006 - 2008	3	03/02/15	\$1,100,000	\$40,361.65	\$1,140,361.65
134	Tule River Indian Health (Clinic)	FY 2006 - 2010	5	09/19/14	\$1,735,629	\$77,083.12	\$1,812,712.12
135	Tule River Indian Tribe	FY 2006-FY 2010	5	08/26/14	\$65,700	\$2,722.82	\$68,422.82
136	Umatilla, Confederated Tribes	FY 2006 - 2011	6	01/27/15	\$3,000,000	\$143,622.45	\$3,143,622.45
137	United South & Eastern Tribes	FY 2005-2013	9	11/24/14	\$683,500	\$11,591.41	\$695,091.41
138	Ukpeagvik Inupiat Corporation	FY 2001 - 2010	10		\$613,176	\$34,284.48	\$647,460.48
139	Ukpeagvik Inupiat Corporation	FY 2011 - 2013	3		\$116,601	\$2,217.42	\$118,818.42
140	Walker River Plute Tribe	FY 2006 - 2010	5		\$87,224		\$87,224
141	Wampanoag	FY 2006 - FY 2010	5	11/26/13	\$169,087	\$4,040.91	\$173,127.91
142	Winslow Indian Health Care Ctr.	FY 2006 - 2013	8		\$7,000,000	\$352,861.51	\$7,352,861.51
143	Yakutat Tlingit Tribe	FY 2005 - 2008	4	04/27/15	\$4,731.00	\$4,944.15	\$9,675.15
144	YKHC	FY 2005 - FY 2011	7	12/16/13	\$39,000,000	\$1,765,017.80	\$40,765,017.80
Total			942		\$710,528,073	\$140,588,996.21	\$851,117,068.79

List of Unidentified Payments

Date	Principal	Interest	Total Amount
1 3/23/2015	\$1,700,000	\$0.00	\$1,700,000.00
2 4/7/2015	\$1,300,000	\$0.00	\$1,300,000.00
3 5/14/2015	\$13,500	\$388.91	\$13,888.91
4 6/2/2015	\$18,485	\$830.93	\$19,315.93
5 11/2/2015	\$500,000	\$25,321.22	\$525,321.22
6 11/9/2015	\$500,000	\$0.00	\$500,000.00
7 11/9/2015	\$8,318,365	\$0.00	\$8,318,365.00
Total	\$12,350,350	\$26,541.06	\$12,376,891.06

## HISTORICAL AND STATUTORY NOTES

**Revision Notes and Legislative Reports**

**1978 Acts.** House Report No. 95-1137 and House Conference Report No. 95-1753, see 1978 U.S. Code Cong. and Adm. News, p. 4971.

**References in Text**

Act of April 16, 1934, referred to in text, is Act Apr. 16, 1934, c. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified

principally to 25 U.S.C.A. § 452 et seq. See Short Title note set out under 25 U.S.C.A. § 452 and Tables for complete classification.

**Effective and Applicability Provisions**

**1978 Acts.** Section effective Oct. 1, 1978, see § 1530 of Pub.L. 95-561, set out as an Effective Date note under § 2701 of Title 20, Education.

## LIBRARY REFERENCES

**American Digest System**

Indians ⇨ 140.

Key Number System Topic No. 209.

**§ 13a. Carryover funding**

Notwithstanding any other provision of law, any funds appropriated pursuant to section 13 of this title, for any fiscal year which are not obligated or expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation or expenditures during such succeeding fiscal year. In the case of amounts made available to a tribal organization under a self-determination contract, if the funds are to be expended in the succeeding fiscal year for the purpose for which they were originally appropriated, contracted or granted, or for which they are authorized to be used pursuant to the provisions of section 450j-1(a)(3) of this title, no additional justification or documentation of such purposes need be provided by the tribal organization to the Secretary as a condition of receiving or expending such funds.

(Pub.L. 93-638, § 8, Jan. 4, 1975, 88 Stat. 2206; Pub.L. 100-472, Title I, § 105, Oct. 5, 1988, 102 Stat. 2287.)

## HISTORICAL AND STATUTORY NOTES

**Revision Notes and Legislative Reports**

**1975 Acts.** House Report No. 93-1600, see 1974 U.S. Code Cong. and Adm. News, p. 7775.

**1988 Acts.** Senate Report No. 100-274, see 1988 U.S. Code Cong. and Adm. News, p. 2620.

**References in Text**

Section 450j-1(a)(3) of this title, referred to in text, was repealed and a new subsec. (a)(3) of section 450j-1 was added by Pub.L. 103-413, Title I, § 102(14)(C),

Oct. 25, 1994, 108 Stat. 4257. See now 25 U.S.C.A. § 450j-1(a)(4).

**Amendments**

**1988 Amendments.** Pub.L. 100-472, § 105, substituted "Notwithstanding any other provision of law" for "The provisions of any other laws to the contrary notwithstanding" "obligated or expended" for "obligated and expended", "obligation or expenditures" for "obligation and expenditure", and added provisions which related to amounts made available under self-determination contract, and lack of need for documentation if funds

(A) normally are not carried on by the respective Secretary in his direct operation of the program; or

(B) are provided by the Secretary in support of the contracted program from resources other than those under contract.

(3)(A) The contract support costs that are eligible costs for the purposes of receiving funding under this subchapter shall include the costs of reimbursing each tribal contractor for reasonable and allowable costs of—

(i) direct program expenses for the operation of the Federal program that is the subject of the contract, and

(ii) any additional administrative or other expense related to the overhead incurred by the tribal contractor in connection with the operation of the Federal program, function, service, or activity pursuant to the contract,

except that such funding shall not duplicate any funding provided under subsection (a)(1) of this section.

(B) On an annual basis, during such period as a tribe or tribal organization operates a Federal program, function, service, or activity pursuant to a contract entered into under this subchapter, the tribe or tribal organization shall have the option to negotiate with the Secretary the amount of funds that the tribe or tribal organization is entitled to receive under such contract pursuant to this paragraph.

(4) For each fiscal year during which a self-determination contract is in effect, any savings attributable to the operation of a Federal program, function, service, or activity under a self-determination contract by a tribe or tribal organization (including a cost reimbursement construction contract) shall—

(A) be used to provide additional services or benefits under the contract; or

(B) be expended by the tribe or tribal organization in the succeeding fiscal year, as provided in section 13a of this title.

(5) Subject to paragraph (6), during the initial year that a self-determination contract is in effect, the amount required to be paid under paragraph (2) shall include startup costs consisting of the reasonable costs that have been incurred or will be incurred on a one-time basis pursuant to the contract necessary—

(A) to plan, prepare for, and assume operation of the program, function, service, or activity that is the subject of the contract; and

(B) to ensure compliance with the terms of the contract and prudent management.

**(h) Interest or other income on transfers**

An Indian tribe is entitled to retain interest earned on any funds paid under a compact or funding agreement to carry out governmental or health purposes and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the interest is earned or in any subsequent fiscal year. Funds transferred under this part shall be managed using the prudent investment standard.

**(i) Carryover of funds**

All funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended. In the event that an Indian tribe elects to carry over funding from 1 year to the next, such carryover shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in that or any subsequent fiscal year.

**(j) Program income**

All Medicare, Medicaid, or other program income earned by an Indian tribe shall be treated as supplemental funding to that negotiated in the funding agreement. The Indian tribe may retain all such income and expend such funds in the current year or in future years except to the extent that the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) provides otherwise for Medicare and Medicaid receipts. Such funds shall not result in any offset or reduction in the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the program income is received or for any subsequent fiscal year.

**(k) Limitation of costs**

An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement. If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity in the compact or funding agreement is insufficient the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary. If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

(Pub.L. 93-638, Title V, § 508, as added Pub.L. 106-260, § 4, Aug. 18, 2000, 114 Stat. 722.)

Mr. CALVERT. Quick question.

Mr. MILLER. Yes?

Mr. CALVERT. Is this coming out of the judgment account?

Mr. MILLER. Yes, it is. All of these funds come out of the judgment fund, and your bill makes sure it——

Mr. CALVERT. Just want to make sure.

Mr. MILLER [continuing]. Comes out of the judgment fund, A, and, B, your bill makes sure annually that the agency is not required to pay it back.

What I did want to mention, and it is not in my testimony, is the reason the Indian Health Service judgment fund payments are not twice as large is because they got whipsawed with a statute of limitations problem, which the Supreme Court acknowledged but found no relief recently, just a couple of months ago.

So if Congress were to see fit to lift the statute of limitations for a period of time—a year, whatever you saw fit—a lot of claims could be filed against the Indian Health Service and resolved to the judgment fund that have not been resolved to date.

Thank you very much, Mr. Chairman. I apologize for going over.  
[The information follows:]

**HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**HEARING ON THE PRESIDENT'S 2017 BUDGET REQUEST**

**March 17, 2017**

**Testimony of Lloyd B. Miller  
Counsel, National Tribal Contract Support Cost Coalition**

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Miller and Munson, LLP. I appear here today as counsel to the National Tribal Contract Support Cost Coalition. The Coalition is comprised of 21 Tribes and tribal organizations situated in 11 States. Collectively, they operate contracts to administer almost \$500 million in IHS and BIA programs on behalf of over 250 Native American Tribes.<sup>1</sup> The NTCSC Coalition was created to assure that the federal government honors the United States' contractual obligation to add full contract support cost funding to every contract and compact awarded under the Indian Self-Determination Act. I also litigated the Supreme Court *Cherokee* and *Arctic Slope* cases against the Indian Health Service, and co-litigated the *Ramah* class action case against the Bureau of Indian Affairs, all of which held that IHS and BIA contracts with Indian Tribes are true, binding contracts which must be paid in full no less than any other government contract. As a direct result of these litigations, the government since 2012 has agreed to pay over \$1.75 billion in contract damages to Native American Tribes and tribal organizations, and close to \$2 billion if we include judgments awarded in earlier years.

Every year I recall for this Committee that no single enactment has had a more profound impact on tribal communities than the Indian Self-Determination Act of 1975. Since its enactment, Tribes and inter-tribal organizations have taken control over vast portions of the Bureau of Indian Affairs and the Indian Health Service, including services previously provided by the federal government in the areas of health care, education, law enforcement and land and natural resource protection. Today, not a *single* Tribe in the United States is without at least one self-determination contract with the IHS or the BIA. Collectively, the Tribes administer nearly \$3 billion in essential federal government functions employing an estimated 35,000 people.

Under all of these contracts, the Tribes must cover contract support costs—essentially overhead—to responsibly manage their programs. They have to make payroll. They have to manage their finances and their information technology systems. They have to buy insurance. They have to procure goods and services. All of the same things the government has to do, the

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<sup>1</sup> The NTCSCC is comprised of the: Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chickasaw Nation, Chippewa Cree Tribe of the Rocky Boy's Reservation (MT), Choctaw Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), Southeast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), and Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR).

Tribes have to do—and even more: the Tribes must complete costly annual audits, negotiate indirect cost rates, and comply with a raft of unfunded federal mandates.

Full payment of contract support costs is essential to keeping faith with the government's contractual commitments, honoring the Government's trust responsibility, and permitting the Tribes to prudently carry out the contracted programs, from law enforcement to range management to full-on hospital operations. And since these costs are fixed, when the government does not pay them, Tribes pay them out of program funds or tribal trust funds. For many years this Committee has well understood the nature of the government's obligation in this area:

The Committee believes that both the Bureau [of Indian Affairs] and the Indian Health Service should pay all contract support costs for which it has contractually agreed and directs the Service to include the full cost of the contract support obligations in its fiscal year 2013 budget submission.

H.R. Rep. No. 112-151, at 98 (2011). See also *id.* at 42 (addressing the BIA). The Supreme Court has agreed with this Committee's assessment: "Consistent with longstanding principles of Government contracting law, we hold that the Government must pay each tribe's contract support costs in full." *Salazar v. Ramah Navajo Chapter*, 132 S. Ct. 2181, 2186 (2012). See also *Arctic Slope Native Ass'n, Ltd. v. Sebelius*, No. 2010-1013, Order at 6, 2012 WL 3599217 (Fed. Cir. Aug. 22, 2012), *on remand from* 133 S. Ct. 22 (2012) (applying the *Ramah* ruling to the Indian Health Service). Today it is beyond any debate that the payment of contract support costs is a binding contractual obligation owed to all Tribes that operate BIA and IHS contracts. The only issue remaining has been how to meet that obligation.

Thanks to this Committee's vision and decisive action, fiscal year 2014 was the first year in which contract support costs were paid in full through the ordinary appropriations process. For the agencies, particularly IHS, it was a rocky start, as early mistaken estimates gave way to the reality that the agency had missed the mark by millions of dollars. A major reprogramming action was necessary to make Tribes whole, threatening direct services. Although IHS weathered the storm with a minimum of disruption to direct service operations, doing so required diverting nearly all of the increases this Committee had appropriated that year for program services.

The 2014 disruptions were avoided in fiscal year 2015, thanks to better planning and more accurate agency projections. Even still, the threat to ongoing program operations was palpable, given the prior year's experience. That threat led directly to this Committee's bold and unprecedented action for fiscal year 2016 in establishing an entirely separate contract support cost account, and allocating to that account an uncapped amount for the payment of these costs. The solution was as elegant as it was brilliant: (1) it removed any possible threat to ongoing program operations; and (2) at the same time it assured full payment of the government's contract obligations to the Tribes. The tribal experience in 2014, 2015 and 2016 is that the new system is now working, and even working quite well. The National Tribal Contract Support Cost Coalition fully supports the Committee's approach and encourages the Committee, with one modification, to continue this year's approach in future years.

The one modification we strongly request is to eliminate the agency-requested “proviso” that was included in these new IHS and BIA accounts. The proviso addresses contract funds that go unspent in a given fiscal year. However, existing law already addresses that issue. See 25 U.S.C. 450(a)(4) (“For each fiscal year during which a self-determination contract is in effect, any savings attributable to the operation of a Federal program, function, service, or activity under a self-determination contract by a tribe or tribal organization (including a cost reimbursement construction contract) shall (A) be used to provide additional services or benefits under the contract; or (B) be expended by the tribe or tribal organization in the succeeding fiscal year, as provided in section 13a of this title.”). At the risk of stating the obvious, all funds paid under self-determination contracts or compacts must be spent under those contracts to deliver (or support the delivery of) health care to Indian people. The new proviso is somewhat in conflict with this existing law. Worse yet, it will require new accounting rules to track subaccounts across fiscal years, at significant expense but with no discernible benefit to the taxpayer, the Treasury, or Indian people. Nothing in the new mechanism for contract support cost payments justifies changing the longstanding rules controlling how those funds are accounted for and spent. We therefore respectfully request that the Committee delete the proviso going forward.

As it did last year, the Administration has also proposed to transfer CSC appropriations from the discretionary side of the budget to the mandatory side of the budget, starting in FY 2018. The National Tribal Contract Support Cost Coalition strongly supports the President’s proposal. That said, we recognize that the proposal will have difficult sledding without an offset, and unfortunately none has been proposed by the Administration. We stand ready to work with the Committee this year and next to explore how best to move forward with a mandatory appropriation.

We applaud the IHS and BIA for their efforts over the past several months to work closely with Tribes in the development of internal guidelines for calculating and reconciling CSC payments. Each agency now has a draft policy ready for tribal consultation, and we are encouraged by these efforts. That said, the Coalition is quite concerned that the IHS approach remains terribly over-complicated, partly due to the agency’s insistence on maintaining what we believe are untenable legal positions that the Office of General Counsel prefers to litigate.

For instance, IHS wants to litigate the proposition that a Tribe may not receive any contract support costs for an activity (say, information technology costs or facility support costs) if that activity was already partly funded in the program budget that was paid to the Tribe under the contract. But Congress has already stated precisely the opposite—that if program funds for given costs are insufficient as compared to what is necessary and reasonable under the circumstances, then contract support costs are to be paid to make up the difference. *See* S. Rep. No. 103-374, at 9 (1994) (“[I]n the event the Secretarial amount under [§ 450j-1(a)(1)] for a particular function proves to be insufficient in light of a contractor’s needs for prudent management of the contract, contract support costs are to be available to supplement such sums.”).

We respectfully urge the Committee to underscore these instructions, direct the agencies to further simplify the contracting process, and instruct the agencies not to seek to reduce tribal contract support cost obligations.

To further simplify and streamline contracting activities, we also respectfully suggest that the Committee urge the agencies to explore using multi-year arrangements for fixed rates or fixed lump-sum amounts subject to inflationary adjustments.

Finally, the Coalition respectfully urges the Committee to clarify once and for all that other funds under this Subcommittee's jurisdiction that are paid to Tribes and tribal organizations that contract with IHS under the Indian Self-Determination Act, shall be paid to the Tribes under those contracts and compacts—not under separate grant agreements—and that tribal contract support cost requirements are to be calculated on such funds. Although this was the agency's practice between 2008 and 2012, the agency changed course after the 2012 *Ramah* decision and for the last two years has only awarded methamphetamine and suicide prevention initiative (MSPI) funds and domestic violence prevention initiative (DVPI) funds under grant instruments. Not only does using grants instead of existing contracts and compacts considerably over-complicate the accounting and reporting process; denying Tribes contract support costs on these funds and future behavioral health funds means diverting scarce program dollars to cover overhead costs. On average, IHS's change in position—undertaken without any tribal consultation whatsoever—has reduced these behavioral health program funding amounts nationwide by 25%. Congress should not tolerate this irrational change to these programs.

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It is a privilege to appear before this Committee once again. On behalf of the over 250 federally-recognized Tribes represented by the National Tribal Contract Support Cost Coalition, I thank the Committee for this opportunity to testify on the FY 2017 Budget.

Mr. CALVERT. Thank you. Thank you very much.  
 Ms. Tuomi.

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THURSDAY, MARCH 17, 2016.

## NATIONAL COUNCIL OF URBAN INDIAN HEALTH

### WITNESS

**ASHLEY TUOMI, PRESIDENT-ELECT, NATIONAL COUNCIL OF URBAN INDIAN HEALTH**

Ms. TUOMI. Good morning. My name is Ashley Tuomi, and I am a member of the Confederated Tribes of Grand Ronde from Oregon. And I am the chief executive officer of the American Indian Health and Family Services of Southeastern Michigan, and I am currently the president-elect of the National Council of Urban Indian Health.

On behalf of the 34 Indian health clinics and programs, some of which are in the room with me today, we are located in 21 States, and I am grateful for this opportunity to testify before you today.

As NCUIH has previously testified, 2010 Census data shows that 7 out of 10 American Indian/Alaska Natives live in urban centers. Unfortunately, the President's fiscal year 2017 budget has marked the fourth straight year that funding for urban Indian health has fallen below 1 percent of the total of Indian Health Service funding.

It is important to highlight that our 34 urban Indian health programs are solely funded from a single IHS line item, and we do not have access to funding that is appropriated to other areas of the IHS budget. Thus, the \$377.4 million increase that the administration has proposed for the fiscal year 2017 broader Indian Health Service budget does not directly provide the much-needed boost to urban Indian health programs or the Native communities that we serve.

All too often, urban Indian health programs are excluded from laws intended to benefit American Indians and improve their quality of health because of a lack of the understanding of the history of urban Indian communities. Lack of information and bureaucratic complexity has led to the exclusion of urban Indian health programs' participation from a number of critical protections enjoyed by IHS and tribal health providers.

Urban programs have struggled for years without the benefit of inclusion within legislation intended to improve the health status of all American Indians and Alaska Natives, compounding the problem of limited appropriations and a general lack of understanding of the program's critical role in fulfilling the Federal trust responsibility.

The most urgent of these provisions would be the inclusion of urban programs in 100 percent Federal match for Medicaid services, a protection already enjoyed by IHS and tribal facilities. This protection, known as "100 percent FMAP," would provide States with 100 percent of the cost of payments made to urban Indian health providers for services provided to American Indian and Alaska Native Medicaid patients, rather than requiring the States to assume a percentage of the cost of Indian healthcare.

Another example, as required by the Veterans Access, Choice, and Accountability Act of 2014, IHS and the Department of Vet-

erans Affairs worked jointly to submit a report to Congress on the feasibility and advisability of entering into and expanding certain reimbursement agreements for cost of direct care services provided to eligible veterans.

According to the report on enhancement of collaboration between the Department of Veterans Affairs and the Indian Health Service, a national reimbursement agreement for direct healthcare services was signed on December 5, 2012, between IHS and the Veterans Health Administration. Under this national agreement, VA reimburses IHS facilities for direct healthcare services provided to eligible American Indian and Alaska Native veterans.

As of January 2015, the national agreement between IHS and VA covers 108 IHS facilities, and the VA has successfully negotiated 81 direct care service reimbursement agreements with tribal health programs. Total reimbursements since December 5, 2012, exceeded \$24 million, covering over 5,500 eligible veterans.

Unfortunately, because the urbans weren't specifically outlined in this agreement, many of us are not able to reach these agreements with the VA and serve our patients. Urban Indian health programs have had a difficult time being included at the forefront of these and other types of consultations.

For instance, UIHPs, unlike Indian Health Service and tribal health programs, are not under the protections of the Federal Tort Claim Act. Consequently, urban Indian health programs are required to spend thousands of program dollars each year to purchase malpractice insurance for their providers. Extending this coverage to urban Indian health programs would also require a legislative change.

According to a data report from the IHS Office of Urban Indian Health Programs, in calendar year 2015 alone, urban Indian health programs provided services to over 78,000 tribal members from 497 tribes.

We are grateful for the increased backing from tribal nations. This has ushered in a new spirit in collaboration between urban Indian health programs and tribal governments. Specifically, we are appreciative of the Northwest Portland Area Indian Health Board and National Congress of American Indians resolution to support urban Indian health programs inclusion within the 100 percent FMAP.

NCUIH stands with the National Tribal Budget Formulation Workgroup's recommendation in requesting the funding of urban Indian health programs at an increased rate of \$10 million and full funding of the Indian Health Service at \$29.96 billion.

Thank you for this opportunity to speak, and I will be happy to take any questions.

[The information follows:]

**Testimony of Ashley Tuomi**  
**President Elect of the National Council of Urban Indian Health**  
**House of Representatives**  
**Appropriations Subcommittee on Interior, Environment & Related Agencies**  
**Native American Witness Day Hearing**  
**March 17, 2016**

Good morning my name is Ashley Tuomi, I am an enrolled member of the Confederated Tribes of Grand Ronde of Oregon and I am the Chief Executive Officer of the American Indian Health and Family Services of Southeastern Michigan, Inc., and the President Elect of the National Council of Urban Indian Health. On behalf of the 34 Urban Indian Health clinics and programs, which are located in 21 states, I am grateful for this opportunity to testify before the Appropriations Subcommittee.

As NCUIH has previously testified, 2010 Census data shows that over 75% of all American Indians and Alaska Natives live in urban centers. Unfortunately, the President's FY 2017 budget has marked the fourth straight year that funding for urban Indian health fell below 1%<sup>1</sup> of total Indian Health Service funding.

It is important to highlight that our 34 urban Indian health programs (UIHPs) are solely funded from a single IHS line item, and do not have access to funding appropriated to the other areas of the IHS budget. Thus, the \$377.4 million dollar increase that the Administration has proposed for the FY 2017 broader Indian Health Service budget does not directly provide the much needed boost to Urban Indian Health Programs or the Native communities we serve.

All too often, Urban Indian Health Programs are excluded from laws intended to benefit American Indians and improve their quality of health, because of a lack of the understanding of the history of urban Indian communities and complexity of the Indian Health Services, Tribal and Urban (I/T/U) Indian health system. Lack of information and bureaucratic complexity has led to the exclusion of Urban Indian Health Programs participation from a number of critical protections enjoyed by IHS and Tribal health providers. Urban programs have struggled for years

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<sup>1</sup> Information accurate as based on calculation of data from FY 2016.

without the benefit of inclusion within legislation intended to improve the health status of all American Indians and Alaskan Natives, compounding the problem of limited appropriations and a general lack of understanding of the programs' critical role in fulfilling the Federal Trust Responsibility.

The most urgent of these provisions would be the inclusion of urban programs in 100% federal match for Medicaid services - a protection already enjoyed by IHS and Tribal facilities. This protection - known as 100% FMAP- would provide states with 100% of the cost of payments made to urban Indian health providers for service provided to American Indian Medicaid patients, rather than requiring the states to assume a percentage of the cost of Indian health care.

For example, as required by the Veterans Access, Choice, and Accountability Act of 2014, IHS and the Department of Veterans Affairs (VA) worked jointly to submit a report to Congress on the feasibility and advisability of entering into and expanding certain reimbursement agreements for costs of direct care services provided to eligible Veterans who are not American Indian or Alaska Native. According to the "Report on Enhancement of Collaboration Between the Department of Veterans Affairs and the Indian Health Service" a national Reimbursement Agreement for Direct Health Care Services was signed on December 5, 2012 between IHS and the Veterans Health Administration. Under this national agreement, VA reimburses IHS facilities for direct health care services provided to eligible AI/AN Veterans. As of January 2015, the national agreement between IHS and VA covers 108 IHS facilities, and VA has successfully negotiated 81 direct care services reimbursement agreements with Tribal Health Programs (THPs). Total reimbursements since December 5, 2012, exceeded \$24 million covering over 5,500 eligible Veterans. VA does not currently have separate reimbursement agreements with UIHPs.

Urban Indian Health Programs have had a difficult time being included at the forefront of these and other types of consultations. For instance, UIHPs, unlike IHS and THPs are not under the protections of the Federal Tort Claims Act. Consequently, Urban Indian Health Programs are required to spend thousands of program dollars each year to purchase malpractice insurance for their providers. Extending this coverage to Urban Indian Health Programs would also require a legislative change.

According to a data report from the IHS Office of Urban Indian Health Programs- in calendar year 2015 alone- Urban Indian Health Programs provided services to over 78,000 tribal members from 497 tribes. We are grateful for the increased backing from tribal nations. This has ushered in a new era and spirit of collaboration between Urban Indian Health Programs and Tribal governments. Specifically, we are appreciative of the Northwest Portland Area Indian Health Board and National Congress of American Indians resolutions to support Urban Indian Health Programs inclusion within the 100% FMAP. NCUIH stands with the National Tribal Budget Formulation Workgroup's recommendation in requesting the funding of UIHPs at an increased rate of 10 million dollars and full funding of the Indian Health Service at 29.96 billion dollars.

Thank you for the opportunity to speak, and I will be happy to take any questions you may have.

**Ashley Tuomi**  
**President Elect, Board of Directors**  
**National Council of Urban Indian Health**

Mr. CALVERT. Thank you for your testimony.  
Ms. Elgin.

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THURSDAY, MARCH 17, 2016.

**NATIONAL INDIAN HEALTH BOARD**

**WITNESS**

**LISA ELGIN, SECRETARY, NATIONAL INDIAN HEALTH BOARD**

Ms. ELGIN. Mr. Chairman, members of the committee, good morning. Thank you for holding this hearing on the fiscal year 2017 budget.

My name is Lisa Elgin, and I am the secretary of the National Indian Health Board. I also serve as the tribal administrator for the Manchester-Point Arena Band of Pomo Indians.

NIHB is a 501(c)(3) nonprofit organization that was formed by tribes over 40 years ago to advocate on behalf of Indian Country when it comes to achieving better healthcare outcomes for American Indians and Alaska Natives.

As the committee is aware, historical trauma, poverty, and a lack of adequate resources continue to plague tribal communities. On average, Native Americans have a life expectancy 4.2 years less than other Americans. But in some areas, it is far lower.

In Montana, white men live 19 years longer than American Indian men, and white women live 20 years longer than American Indian women. In South Dakota, in 2014, for white residents, the median at age death was 81, compared to 58 for American Indians.

Despite the robust investments made by this committee since fiscal year 2008, we still experience low spending per user. Per capita expenditures for IHS patients are about \$5,000 less per year than that spent on the average American's healthcare. In fact, IHS spending per capita is lower than all other Federal health delivery programs.

It is important to remember that many of the increases in the IHS budget have not been for direct healthcare expansion. When considering staffing for new facilities, inflation, medical inflation, population growth, and the contract support cost obligations, which should have been appropriated all along, the effective increase, which would allow tribes the resources necessary to actually improve healthcare, is minimal.

We need to do more. Tribes have requested \$30 billion to fully fund IHS in fiscal year 2017. However, to begin a 12-year phase-in of that full funding request, tribes have recommended \$6.2 billion for IHS in 2017.

Top priorities include purchased/referred care, hospitals and clinics, alcohol and substance abuse services, mental health, and dental services. You can see more details on this in our written statement and on the NIHB Web site.

While the funding disparities undoubtedly remain, we also urge this committee to provide oversight on IHS-operated health facilities. As you are aware, recent investigations by CMS in the Great Plains region have demonstrated that there is a severe mismanagement of several hospitals in the region. We have heard stories of

babies being born on the bathroom floor, nursing staff not knowing how to operate a crash cart or call a code blue, and failure to use isolation procedures for highly infectious disease.

To make matters worse, the attitude displayed by several senior IHS staff during this ordeal have revealed a disturbing level of complacency. While public statements by IHS and HHS have been strong, it is not clear that senior managers at the headquarters and area level are not taking the issues as seriously as they should in order to direct a cultural change agency wide.

Few other Americans with private insurance live with these realities. As one tribal leader from the Winnebago Tribe told a Senate committee in February, "IHS is all we have to count on. We go there because it is our treaty right. And we go there because many of us lack the resources to go elsewhere. We are literally at the mercy of IHS."

So while we continue to urge the committee to provide oversight over the IHS as it works to correct the deficiencies at their hospitals in the Great Plains, we also call on Congress to provide IHS with sufficient funding so that the service is able to safely and effectively carry out its mission. We cannot continue to starve this system and expect better results.

NIHB would like to reiterate its support for advance appropriations for the Indian Health Service. Advance appropriations will allow IHS and tribal health providers more consistency as they plan and execute their budgets. This means better care for patients and a more efficient use of taxpayer funds.

NIHB also would like to call your attention to unfunded provisions of the Indian Healthcare Improvement Act, which was permanently reauthorized in 2010. While this important law made many substantial changes to the operation of Indian health programs, a large number of the provisions go unimplemented due to lack of funding.

This represents another broken promise to Indian Country. Tribes have identified top priorities of the law to be funded, and we urge you to take these into consideration as you develop the fiscal year 2017 budget.

Thank you again for the opportunity to testify here today. Indian Country is truly grateful for the work that has been done at this committee to realize increases to the IHS budget.

We still have a lot to do to ensure that the Federal Government fulfills trust responsibility toward Indian Country and end the health disparities experienced by our people. We look forward to working with you as you develop your fiscal year 2017 budget. [Speaking Native language.]

Thank you.

[The information follows:]

National Indian  
Health Board



**TESTIMONY OF THE NATIONAL INDIAN HEALTH BOARD**  
**LISA ELGIN, SECRETARY**  
**AMERICAN INDIAN & ALASKAN NATIVE PUBLIC AND OUTSIDE WITNESS HEARING**  
**HOUSE APPROPRIATIONS COMMITTEE, SUBCOMMITTEE ON INTERIOR**  
**MARCH 17, 2016, 10:40AM**

Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee, thank you for holding this important hearing. On behalf of the National Indian Health Board and the 567 federally-recognized Tribes we serve, I submit this testimony on the Indian Health Service FY 2017 budget.

The federal promise to provide Indian health services was made long ago. Since the earliest days of the Republic, all branches of the federal government have acknowledged the nation's obligations to the Tribes and the special trust relationship between the United States and American Indians and Alaska Natives (AI/ANs). The United States assumed this responsibility through a series of treaties with Tribes, exchanging compensation and benefits for Tribal land and peace. The Snyder Act of 1921 (25 USC 13) legislatively affirmed this trust responsibility. Since its creation in 1955, IHS has worked to fulfill the federal promise to provide health care to Native people. In 2010, as part of the Indian Health Care Improvement Act, Congress reaffirmed the duty of the federal government to AI/ANs, declaring that "it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians -- to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy."<sup>1</sup>

Devastating consequences from historical trauma, poverty, and a lack of adequate treatment resources continue to plague Tribal communities. AI/ANs have a life expectancy 4.2 years less than other Americans, but in some areas, the life expectancy is far worse. For instance, in Montana, "white men ...lived 19 years longer than American Indian men, and white women lived 20 years longer than American Indian women."<sup>2</sup> In South Dakota, in 2014, "for white residents the median age [at death] was 81, compared to 58 for American Indians."<sup>3</sup> AI/ANs also suffer significantly higher mortality rates from suicide, type 2 diabetes, and heart disease than other Americans. According to CDC data, 45.9 percent of Native women experience intimate partner violence, the highest rate of any ethnic group in the United States. American Indian / Alaska Native children have an average of six decayed teeth, when other US children have only one. These health statistics are no surprise when you compare the per capita spending of the IHS and other federal health care programs. In 2015, the IHS per capita expenditures for patient health services were just \$3,136, compared to \$8,097 per person for health care spending nationally.

The following testimony reflects the IHS Tribal Budget Formulation Workgroup recommendations for FY 2017.<sup>4</sup> Tribes recommend **\$30 billion** to fully fund IHS. This includes amounts for personal health services, wrap-around community health services and facility capital investments. Within this \$30 billion is: **\$15.82 billion** for Medical Services; **\$1.66 billion** for Dental and Vision Services; **\$3.71**

<sup>1</sup> Indian Health Care Improvement Act, §103(2009).

<sup>2</sup> "The State of the State's Health: A Report on the Health of Montanans." Montana Department of Public Health and Human Services. 2013. p. 11.

<sup>3</sup> "2014 South Dakota Vital Statistics Report: A State and County Comparison of Leading Health Indicators." South Dakota Department of Health. 2014. P. 62.

<sup>4</sup> The full FY 2017 Tribal Budget Request is available at [http://nihb.org/legislative/budget\\_formulation.php](http://nihb.org/legislative/budget_formulation.php)

**billion** for Community and Public Health Services; **\$8.77 billion** for facility upgrades and upfront costs (non-recurring investments).

FY 2017 President's Budget Request – The administration has proposed \$5.2 billion for IHS for FY 2017. This is \$377 million (7.28%) above the FY 2016 level. NIHB appreciates the bipartisan work this Committee has undertaken since FY 2008 to ensure that meaningful increases have been awarded to the IHS. However, when considering staffing for new facilities, inflation, medical inflation, population growth, and Contract Support Cost obligations, the effective increase is minimal. For example, of the \$377 discretionary increase requested for IHS, almost half (\$159 million) is just what is needed to maintain current services, and \$82 million is for Contract Support Costs, leaving actual program expansion with just \$136 million. We implore this Committee, to take the courageous step forward and recommend a budget for Indian Health that truly lives up to the federal trust responsibility and gives AI/ANs a chance at achieving better health outcomes.

To begin the 12 year phase-in of the full \$30 billion request, Tribes recommend **\$6.2 billion** in FY 2017. All areas of the IHS budget are important, and we hope to see a strong increase across the IHS budget FY 2017. However, the Tribes have identified several priorities including *Purchased/Referred Care (PRC)*; *Hospitals & Clinics*; *Alcohol & Substance Abuse Services*; *Mental Health*; and *Dental Services*.

Purchased/Referred Care (PRC) – In FY 2017, Tribes recommend **\$1.2 billion** for the Purchased/Referred Care (PRC) program. This is \$270.4 million over the FY 2017 President's request and \$318.6 million above the FY 2016 enacted level. The PRC budget supports essential health care services from non-IHS or non-Tribal providers and includes inpatient and outpatient care, emergency care, transportation, and medical support services such as diagnostic imaging, physical therapy, laboratory, nutrition, and pharmacy services. In FY 2015, PRC denied over \$645 million for an estimated 132,000 services needed. It is critical that this account continue to be prioritized by Congress. Tribal leaders have voiced concern that PRC was flat-funded in FY 2016. This core funding is still a top priority for the Tribes, as some areas rely heavily on PRC dollars, and we hope to see continued prioritization by the Committee in FY 2017.

Hospitals and Clinics – In FY 2017, Tribes recommend **\$2.3 billion** for Hospitals and Clinics (H&C) which is \$300 million over the FY 2016 President's request and \$422.8 million over the FY 2016 enacted level. This core budget line item provides for the direct service delivery to AI/ANs. IHS/Tribal/Urban Indian (I/T/U)-managed facilities are often located in rural settings with service at many locations limited to primary care, due to inadequate funding. IHS H&C faces tremendous challenges. Some of these factors include: an increased demand for services related to trends in significant population growth, an increased rate of chronic diseases, rising medical inflation, difficulty in recruiting and retaining providers in rural health care settings, and the lack of adequate facilities and equipment. For many AI/ANs, IHS represents the health care access in its entirety, both in terms of monetary resources but also facility access. Consequently, any underfunding of H&C equates to ***no health care***. For many in Indian Country, there are no alternatives.

Quality of Care Issues – Direct Service Facilities: Perhaps even more disturbing than the severe lack of resources at IHS, is recent findings by the Centers of Medicare and Medicaid Services (CMS) at several hospitals in the Great Plains Area of IHS. In the last year, three hospitals serving Tribes in the region have lost, (or received threats of revocation) their ability to bill CMS. This not only severely hampers

NIHB Testimony  
Indian Country Budget Priorities for FY 2017

the critical 3<sup>rd</sup> Party Revenue on which these facilities depend, but more importantly these findings raise serious questions about the quality of health care provided by IHS. At the Winnebago Indian Hospital, Pine Ridge Indian Hospital and the Rosebud Indian Hospital the deficiencies in question are simply unacceptable and more must be done to ensure that IHS management never allows this to happen again. Just last week, NIHB learned that Rosebud Indian Hospital was told it will lose this CMS certification on March 16, despite the fact that an IHS team has been on the ground for the last several months trying to prevent this. While it is our understanding that the agency has recently reached an agreement with CMS to keep the accreditation until at least May 16, we are continued to be troubled by the situation on the ground. NIHB believes that IHS should certainly be held to task by Congress for the poor management of these facilities, but it is also incumbent on Congress to provide IHS with sufficient funding so that the Service is able to safely and effectively carry out its mission. As one Tribal leader stated at a Senate hearing on February 3, 2016: “[IHS] is all we have to count on. We don’t go there because they have superior health care. We go there because it is our treaty right. And we go there because many of us lack the resources to go elsewhere. We’re literally at the mercy of IHS.”

**Mental Health** – In FY 2017, Tribes are recommending **\$154.9 million**. This is \$43.75 million above the President’s FY 2017 request and \$72.8 million above FY 2016. Expansion of mental health services are critically needed. Nowhere is the issue of poor coordination perhaps more acute than when it comes to mental and behavioral health services. AI/AN children and communities grapple with complex behavioral health issues at higher rates than any other population. Destructive federal Indian policies and unresponsive or harmful human service systems have left AI/AN communities with unresolved historical and generational trauma.<sup>5</sup> But access to behavioral health services is limited. In a study of 514 IHS and Tribal facilities, 82% report providing some type of mental health service such as psychiatric services, behavioral health services, substance abuse treatment, or traditional healing practices, and to improve access 17% (87) have implemented telemedicine for mental health services.<sup>6</sup> However, none provide inpatient psychiatric services.<sup>7</sup> Without access to care, persons in psychiatric distress often end up at the hospital emergency room.<sup>8</sup> We support the Administration’s request for \$21.4 million in behavioral health integration as well as the \$3.6 million for the Zero Suicide Initiative. We also support the Administration’s mandatory funding requests for the Behavioral Health Professions Expansion Fund (\$10 million) and the Tribal Crisis Response Fund (\$15 million).

**Alcohol and Substance Abuse** – In FY 2017, Tribes recommend **\$312.3 million** for the Alcohol and Substance Abuse budget. This is \$79 million above the President’s request and \$107 million above the FY 2016 enacted level. Of the challenges facing AI/AN communities and people, no challenge is more far reaching than the epidemic of alcohol and other substance abuse. Now that Tribes manage a majority of alcohol and substance abuse programs, IHS is in a supportive role to assist the Tribes plan, develop, and implement a variety of treatment modalities. The collaboration has resulted in more consistent evidenced-based and best practice approaches to address substance abuse disorders and addictions.

<sup>5</sup> Braveheart, M. Y. A., & DeBruyn, I. M. (1998). The American Indian Holocaust: healing historical unresolved grief. *American Indian and Alaska Native Mental Health Research*, 8(2).

<sup>6</sup> Urban Indian Health Institute. (2012). Addressing depression among American Indians and Alaska Natives: A literature review. Seattle, WA: Urban Indian Health Institute.

<sup>7</sup> Indian Health Service. (2011). *Inpatient mental health assessment*. Retrieved from [http://www.ihs.gov/newsroom/includes/themes/newihstheme/display\\_objects/documents/FINAL\\_IHCIA\\_InpatientMH\\_Assessment\\_Final.pdf](http://www.ihs.gov/newsroom/includes/themes/newihstheme/display_objects/documents/FINAL_IHCIA_InpatientMH_Assessment_Final.pdf)

<sup>8</sup> *Ibid*

Successful treatment approaches include traditional healing techniques that link the services provided to traditional cultural practices and spiritual support. NIHB strongly supports the Administration's request for an extra \$15 million for the Substance Use and Suicide Prevention Program.

**Dental Health** – For FY 2017, Tribes recommend **\$218.6 million** for Dental Health. This is \$31.8 more than the President's Request and \$40.3 million above the FY 2016 level. These critical funds are desperately needed to improve the oral health of AI/ANs. Over 80 percent of AI/AN children ages 6-9 suffer from dental caries, while less than 50 percent of the U.S. population ages 6-9 have experienced cavities. The IHS Dental program supports clinic-based treatment and prevention services, oral health promotion and disease prevention activities. However, access is one of the key issues in improving oral health for Tribal communities. Half of AI/AN youth live in a dental shortage area. NIHB and the Tribes continue to support the expansion of Dental Therapists (DTs) to Tribes outside of Alaska as a safe, reliable, cost-effective means for Tribal members to access oral health services. Sadly, provisions in the Indian Healthcare Improvement Act (IHCA)<sup>9</sup> have made it difficult to use IHS programs to use these effective midlevel providers. We encourage the Committee to work with the relevant authorizing Committees to repeal this prohibitive section of the law so that IHS and Tribes can utilize scarce discretionary dollars in the most cost-effective way possible.

**Contract Support Costs** – NIHB and Tribes were pleased to see the separate funding account for contract support costs (CSC) that was created in FY 2016. However, we continue to support the Administration's request for mandatory CSC and encourage Congress to work to enact this change as soon as FY 2017.

**Other Recommendations** – Tribes have also proposed other budget-related recommendations for IHS in FY 2017. One of these priorities is support for **advance appropriations for IHS** which would allow Tribes to have predictability on the IHS budget and place IHS on parity with other federal health providers.

The **implementation of the IHCA** remains a top priority for Indian Country. IHCA provides new authorities for Indian health care, however additional funding is needed to fully implement the Act. This year, Tribes have set priorities for funding the additional provisions of IHCA as follows: Section 205: Funding for Long-term Care Services (\$37 million); Section 704: Comprehensive Behavioral Health Prevention and Treatment Program (\$20 million); Section 204: Diabetes Prevention, Treatment, and Control (\$20 million); Section 123: Health Professional Chronic Shortage Demonstration Project (\$15 million); Section 705: Mental Health Technician Program (\$5 million).

As noted above, the trust responsibility for health extends beyond the IHS. We also encourage this Subcommittee to work with **other agencies at the Department of Health and Human Services to ensure that funds reach Tribal communities**. Specific funding "set asides" for Tribes or language directing the HHS to fund Tribal communities specifically could be ways to ensure that appropriated dollars reach Tribes.

Thank you for the opportunity to offer this statement. We look forward to working with the Appropriations Committee as Congress considers FY 2017 Appropriations. If you have any questions, please do not hesitate to contact the National Indian Health Board.

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<sup>9</sup> 25 U.S.C. 1616(d)

Mr. CALVERT. Thank you. Thank you for your testimony.

Mr. Miller, I think, you know, this proviso issue has been brought up by a number of people today, and I think that we can probably work that out, and so we will certainly work with the tribes and you—

Mr. MILLER. Thank you, Mr. Chairman.

Mr. CALVERT. With your legal representatives to see if we can get that set aside.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. CALVERT. And certainly, Mr. O'Brian—I will call you O'Brian today. [Laughter.]

That is easier for me to pronounce.

Mr. CLADOOSBY. There you go.

Mr. CALVERT. And the issue of housing, we hear that not just from you, but from around the country for teachers and health providers and law enforcement personnel. So it is something we are trying to get our arms around, and we need the help of the tribes, too, to come up with some out of the box thinking on how we fund some of those things.

We do have a problem with coming up with the necessary funds, and we need to do it based upon the budgets we are operating under.

And Ms. Tuomi, in the fiscal year 2016 appropriation, we directed IHS to work with you on a strategic plan for the urban health program. How is that going?

Ms. TUOMI. I believe they are just now starting that process, and they have allocated the funds to a group that is starting. But we have not had any conversations with them yet.

Mr. CALVERT. Okay. Well, let the committee know how that is going, and hopefully, we can come to some positive conclusion to that.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

I have a "to do" list. One of the things on the "to do" list that should happen fairly easily, in my opinion, Mr. Chair—and I am sure that Mr. Simpson, Mr. Cole, and if you are so inclined—is to make sure in the VA appropriations bill that we support the VA reimbursing IHS. It was our understanding and I think it was tribal understanding that when the VA agreed it was going to reimburse, it was going to reimburse.

The fact that we have a carve-out where the VA is not reimbursing in urban settings, to me, is just them not interpreting the law correctly. So I hope that is something that we can work on.

The FMAP question is also a crucial issue, especially in the Twin Cities, where we sit in the shadow of Hennepin County. Little Earth is right across the street from an urban health clinic, and that 100 percent FMAP could really make a big difference in families' access to healthcare, as well as getting wider community access. So I look forward to working more on that.

But that is not necessarily in the jurisdiction of this committee. So we will have to really lean on Mr. Cole on that one, I think.

Mr. CALVERT. He will be here later this afternoon.

Ms. MCCOLLUM. Yes. So I have got it circled.

The other thing that you brought up is what happened in the Great Plains. I can't express to you how horrified—horrified—we were as Members and our staff was. This was a five-alarm fire when this committee found out about it.

Staff went out and looked at the hospitals. We are on top of doing everything that we can in the Great Plains to turn this around. The area seems to be, hopefully, a real outlier. We know there are things that need to be improved throughout the Indian healthcare system, but this is just totally unacceptable.

I would say that if you are hearing of things that this committee should know about, we have got great staff that work together. I am not even going to say bipartisan, I am going to say in a non-partisan way when it comes to Indian Country. Please, please, please let us know. I offer my apologies to all the people who were harmed by not having this done right.

So thank you, and it is good to see you, Mr. President.

Mr. CLADOOSBY. Yes, thank you.

Ms. MCCOLLUM. That is just easier for me to pronounce. [Laughter.]

Mr. CALVERT. Great.

Mr. CLADOOSBY. You know, Chairman Calvert, we would be more than happy to look outside the box on housing solutions on the ground. We are firm believers that the best solutions come from the ground, from the ground up.

And yes, we would be willing to work with your staff to look at some issues of funding for housing because it is so desperately needed around the country to keep these professionals in Indian Country. So if you would be willing to take a look at a plan from Indian Country, we would be willing to submit it.

Mr. CALVERT. Our door is always open. So we appreciate your coming here today. We appreciate your testimony.

And just wanted to let you know, Ms. Elgin, that we carved out \$2 million for accreditation emergencies to try to get some of these facilities back on their feet. So that is ongoing right now. Again, we need to get that resolved.

Thank you very much. Have a great day. Thank you for coming out today.

[Pause.]

Mr. CALVERT. Okay. Brandie Miranda-Greany, Mark LeBeau, Esther Lucero, and Dr. Shaquita Bell. Hi, how are you?

Ms. MIRANDA-GREANY. I am good. How are you?

Mr. CALVERT. Good. Good to see you. Yes, good to see you, always good to see somebody from home.

Everybody in their seats? Okay. Great. Welcome.

Brandie, since you are from my home area, you get to go first.

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THURSDAY, MARCH 17, 2016.

**RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH,  
INC.**

**WITNESS**

**BRANDIE MIRANDA-GREANY, TREASURER, RIVERSIDE-SAN  
BERNARDINO COUNTY INDIAN HEALTH, INC.**

Ms. MIRANDA-GREANY. All right. Lucky me.

Good morning. My name is Brandie Miranda-Greany, and I am a member of the Pechanga Band of Luiseno Indians and the treasurer for Riverside-San Bernardino County Indian Health.

Our organization is a consortium of nine tribes located in Riverside and San Bernardino Counties, and I would like to thank you for the opportunity to testify about our concerns.

We operate seven health centers under a compact with the Indian Health Service, and we are very proud of the services we offer at our clinics. We serve over 18,000 Native Americans and their families and do over 100,000 patient visits every year. Our service area includes two of the largest counties in the United States.

I will be focusing on two areas for this testimony, contract support cost and the IHS information technology system called the Resource and Patient Management System, or RPMS.

On contract support cost, I just want to take a moment to express our gratitude for this committee's work to achieve full funding for our compact with IHS. Indian Country was able to address this contentious issue because of this committee's determination to make the contract support cost issue a key priority in the committee's work to uphold the Federal Government's trust responsibility to our Native nations.

The committee heard our tribal testimonies and included critical language that moves the contract support to a separate account while providing uncapped appropriations to ensure our contracts are fully honored. This committee's action eliminates the threat from IHS, which did materialize in fiscal year 2014, to cut direct care services in order to fully honor our CSC requirements. Fortunately, this committee took the steps necessary to protect programs and services from this threat.

As you may have heard from other speakers, there is one aspect of the new language, which we hope will be changed moving forward, and I know you just addressed this, Chairman. So I appreciate that, and I am going to just kind of move on there because I know you have heard quite a bit about that language and that proviso. So we are hoping that we are able to move forward on that.

So, and also on the contract support cost issue, we would greatly appreciate it if the committee could compel the Secretary of Health and Human Services to promptly file her CSC shortfall reports with Congress. Reports have not been filed for fiscal years 2012 through 2015, and the last data published for fiscal year 2011 is over 5 years old.

On the RPMS system, IHS needs to step into the 21st century. IHS has used the RPMS system for decades as both a practice management software and an electronic health record. As modified over the years, it deals with patient registration, scheduling, healthcare records, and as a population management tool. And it also serves as a third-party billing system.

But the RPMS system struggles to develop and make products available that are functional in the 21st century. The rollout to tribal users and the utility of the RPMS system lags far behind the systems found today in the private healthcare sector. In short, IHS'

RPMS system has fallen far behind standard healthcare industry requirements.

It has become so difficult to use that our doctors are unable to document their services accurately, timely, or even completely. This is a red flag that the patients and providers who depend on the IHS system of care are in serious jeopardy.

IHS leadership insists that the RPMS shortcomings are caused by a lack of resources. This may be true. After all, the IHS budget for research and development is zero, while only \$20 million was requested for agency IT upgrades in 2017.

The VA has 2,000 computer programmers, yet IHS only has 120. Worse yet, IHS has a 3-year backlog for user requests, and the backlog grows every year. Simply stated, IHS has not invested adequate resources into the RPMS system, and this failure is adversely impacting the ability of the tribes to provide healthcare services to Native Americans.

Overall, the impact to patient care is unacceptable, and the impact to program operations and the distribution of cost is unable to be maintained. Rather than invest in software solutions that would allow the programs to operate efficiently, the poorly designed RPMS system distributes and multiplies the cost of delivering healthcare.

America's healthcare industry is massively improving the functionality of electronic healthcare records, yet IHS lags far behind, and patient care is suffering. We recommend that this committee direct IHS to purchase an outside electronic health record system that will bring the tribes and the agency into the 21st century for medical recordkeeping.

IHS could spend millions to try to upgrade RPMS over the next few years, but that effort is doomed to fail because the RPMS platform is simply ill-suited to today's demands. We recommend that the committee direct the IHS to provide an estimate and a spending plan for what it would cost to purchase and install a new electronic health records care system.

Thank you again for allowing me the opportunity to come and speak with you today, and I would also like to personally invite each of you to come and visit our facilities in California.

[The information follows:]

**HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,  
ENVIRONMENT AND RELATED AGENCIES**

**HEARING ON THE PRESIDENT'S 2017 BUDGET REQUEST**

**Testimony of Brandie Miranda Greany, Treasurer Riverside-San Bernardino County  
Indian Health, Inc.**

I am Brandie Miranda Greany and I am a member of the Pechanga Band of Luiseno Indians and the Treasurer of Riverside-San Bernardino County Indian Health, Inc. Thank you for the opportunity to testify about the 2017 appropriations for the Indian Health Service.

Riverside-San Bernardino County Indian Health is a consortium of nine Tribes located in Riverside and San Bernardino counties. Our member Tribes are the Pechanga Band of Luiseno Indians, the Cahuilla Band of Indians, the Santa Rosa Band of Cahuilla Indians, the Ramona Band of Cahuilla Indians, the Soboba Band of Luiseno Indians, the Torres-Martinez Desert Cahuilla Indians, the Agua-Caliente Band of Cahuilla Indians, the Morongo Band of Mission Indians, and the San Manuel Band of Mission Indians. We operate several health centers under a self-governance compact with the Indian Health Service and we are very proud of the vast array of services offered at our clinics, including medical, dental, optical, behavioral health, pharmacy, laboratory, environmental health, community health representative, and nutrition services.

We serve over 15,000 Native Americans and 3,000 related family members, and experience over 100,000 patient visits each year. Our service area includes two of the largest counties in the contiguous United States, so our member Tribes have joined together to develop a way to economically and efficiently provide health care services for our people. We also provide health care for three other local Tribes: the Twenty-Nine Palms Band of Mission Indians, the Cabazon Band of Mission Indians, and the Augustine Band of Cahuilla Indians. Almost two-thirds of our patients come either from these three local Tribes or from members of other non-consortium Tribes who reside in our two-county service area.

Given the number of patients we treat, our IHS dollars can only go so far. But we are thankful for the support of Congress and the funding provided to ensure our people are healthy. We also cannot thank you enough for listening to the tribal representatives that appear at these hearings every year to share their experiences. We were very appreciative that Congress heard our voices last year, and we hope you will continue to pressure IHS to honor the government's trust responsibility to provide culturally-competent and high-quality health care for Native Americans.

**Mandatory CSC Appropriations**

I want to take this opportunity to express my sincerest gratitude for this Committee's heroic work to achieve full funding for our compact with IHS. We were only able to find a path forward on this contentious issue because of the Committee's unrelenting determination to make

this issue a key priority in its work to uphold the trust responsibility and contractual obligations of the United States to our Native Nations.

The Committee heard our tribal testimonies and included critical language moving CSC to a separate account and providing uncapped appropriations to ensure that our contracts would be fully honored. The committee's action eliminates the threat from IHS—a threat realized in FY 2015—to cut direct care services in order to fully honor our contracts. Fortunately, this Committee took the steps necessary to protect programs and services from this threat, and we agree with the Committee's approach for dealing with this issue.

There is one aspect of the new language which we hope will be changed moving forward. At the agency's insistence, a proviso was included which addresses the tracking of unspent CSC funds. Unintentionally, this proviso will lead to serious problems, and it should be removed. First, it creates an extremely complicated accounting for those funds, with no value to the federal government, the taxpayer, or the tribes. Second, existing law (namely, the Indian Self-Determination Act of 1975) already addresses how to account for unspent funds and commands that such funds must be spent in the next year to carry out the compact or contract. Existing law has worked well for over 40 years, and we therefore strongly urge that the Committee remove this provision in FY 2017 and future years.

Lastly we respectfully request that the Committee direct the Secretary of Health and Human Services to promptly file her annual CSC shortfall reports. Reports have not been filed for FY 2012-2015, and the last data published for FY 2011 is over 5 years old.

### **RPMS Computer System**

For decades, the Indian Health Service has utilized the RPMS computer system as both a practice management software and an electronic health record (EHR). It serves as the patient registration, scheduling, healthcare record, and population management tool, and also as the third party billing system. Although IT technology has rapidly transformed healthcare in the United States, the IHS RPMS system has failed to keep up. The Federal government has invested billions to incentivize hospitals and providers to digitize health records, but IHS's RPMS computer system struggles to develop and make products available that are functional. The roll out to the users and the utility of the RPMS system lags far behind systems found in the private sector.

In short, IHS's RPMS system is falling far behind standard healthcare industry requirements. It has always been cumbersome, but now is so difficult to use that our doctors are unable to document their services accurately, timely, or completely. This is a red flag that the patients and providers who depend on the HIS system of care are in serious jeopardy.

IHS leadership insists that the RPMS shortcomings are caused by a lack of resources. This may be true. After all, the IHS budget for research and development is zero, while only \$20 million was requested for IHS IT upgrades in 2017. The VA has 2,000 computer programmers, compared to IHS's 120 computer programmers. Worse yet, IHS has a 3-year backlog for user

requests which grows every year. Simply stated, IHS has not invested adequate resources into the RPMS system and this failure is adversely impacting the ability of the Tribes to provide healthcare services to Native Americans.

The most recent disaster related to this issue was the failed implementation of the new ICD-10 codes that were to be in place last October 1, 2015. IHS was unprepared with the RPMS computer system and its roll out to Tribes. Even more frustrating for the Tribes is that IHS seems to be unable to correct these problems for many years to come. IHS states that it does not have the resources to make these changes within the next few years, yet it doesn't ask Congress for the necessary help to remedy the problem. This leaves the Tribes in an untenable position.

Today, Tribes are left to their own solutions, which includes considering outside vendors to purchase an Electronic Health Record system that includes Patient Records, Dental, Optical, Pharmacy, Behavioral Health Services, Registration, Coding, and Billing. But these EHR software systems are very expensive, and most Tribes simply do not have the financial resources needed to purchase them. Most Tribes have therefore been left with no choice but to keep the IHS RPMS computer system, despite its failure to properly transition to the required ICD-10 conversion.

Overall, the impact to patient care is unacceptable, and the impact to program operations and the distribution of costs is untenable. Rather than invest in software solutions that would allow the programs to operate efficiently, the poorly designed RPMS system distributes and multiplies the cost of delivering healthcare. While America's healthcare industry is massively improving the functionality of EHR systems, IHS lags far behind and patient care is suffering.

We recommend that this Committee direct IHS to purchase an outside Electronic Health Record system that will bring the Tribes into the 21<sup>st</sup> Century for medical recordkeeping. IHS must stop throwing good money into an old, out-dated RPMS system. IHS could spend millions to try to upgrade the RPMS over the next few years, but that effort is doomed to fail because the RPMS platform is simply ill-suited to today's demands. The far less costly option is to direct IHS to do an open market purchase of a modern-day EHR system. We recommend that the Committee direct that IHS provide an estimate and a spending plan for what it would cost to purchase and install such an EHR system.

Mr. CALVERT. I will try to get out there. Thank you.  
 Mr. LEBEAU, you are recognized for 5 minutes.

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THURSDAY, MARCH 17, 2016.

**CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.**

**WITNESS**

**MARK LEBEAU, CHIEF EXECUTIVE OFFICER, CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.**

Mr. LEBEAU. Thank you, Chairman. Thank you, committee members.

Mr. CALVERT. Is your mike on?

Mr. LEBEAU. Thank you, Chairman and committee members.

I am Mark LeBeau, chief executive officer of the California Rural Indian Health Board. I have worked for CRIHB 18 years.

Before I begin my opening remarks, I just want to, at this point in time, thank the committee for the leadership, for the guidance, for the support of appropriating funding for the Indian youth treatment centers in California. You know, on behalf of the tribes that we serve and those families and those children, it is finally California's time to have two Indian youth treatment centers.

Pleased to report to the committee that the Southern California YRTC will be completed at the end of this year and that the administration's proposed budget lists funding for the construction of the Northern YRTC in Northern California. Collectively, that amounts to a little over \$30 million in construction work.

I think that that is a really important point to underscore. You know, there are champions within Congress that are willing to work side-by-side with the tribes, with the tribal clinics, with the administration to put together key important services for Indian youth.

There are 12 Indian Health Service regions across the country. All of those areas have their YRTCs. They have been operating for quite some time, and we are just now getting ours established. Don't know if it is because we are at the end of the other side of the ocean, across the country. We are the last before you hit the ocean.

Mr. CALVERT. I became chairman. [Laughter.]

Mr. LEBEAU. Also I want to thank the committee for your work on the 2004 education construction priority list. Key work, right? I don't know why I am talking a lot about Indian kids today. Hopefully, mine are doing well in class.

But that 2004 education construction priority list, working through that process, committee supporting the funding for the building of those facilities is critically important to the education—educational well-being of American Indian and Alaska Native children. The youth treatment centers assist the health and the well-being of our American Indian and Alaska Native children.

So, again, I just want to thank you for your work on that priority list.

California Rural Indian Health Board, we were established back in 1969 to do advocacy work and provide other services. We are a

contractor under the Indian Self-Determination Act. That bill was originally signed by President Nixon.

That law allows tribal organizations to provide services rather than the Federal Government. The theory goes that tribal clinics and tribal organizations know our communities the best. We know how to harness resources, cobble together funding to provide a level of services that will strive to meet the needs of the communities that we serve. "Strive to," that is where we need that partnership with—you know, with this committee and with Congress.

CRIHB provides services to 12 tribal clinics in California—Sonoma County Indian Health Project, United Indian Health Services, Toiyabe Indian Clinic, Tule River Tribal Health, Pit River Health Services, Warner Mountain Indian Clinic, Redding Rancheria Tribal Health, Mathiesen Memorial Health Clinic, Chapa-De Tribal Health, Greenville Tribal Health, Karuk Tribal Health, and Feather River Tribal Health.

Those 12 clinics have a series of satellites, which collectively have about 27 clinics throughout California, mainly in the rural, mountainous, and frontier regions of the State. We work with 33 tribal governments closely and then partner with all of Indian Country in California on a lot of key issues.

I want to, on behalf of CRIHB, echo the recommendations of the National Indian Health Board regarding their comments similar to Lloyd Miller. CRIHB supports the recommendations of Mr. Miller.

Twenty-four seconds left, two key issues. There is the 1990 IHS facilities construction priority list. It is going to take about 20 years to build those facilities. There is not one tribal clinic in California that is on that list. We believe that there needs to be additional support and examination of that list.

I would like to request \$105 million in the IHS facilities and maintenance improvement fund. The proposed budget is \$76 million. All of our tribal clinics rely on that funding.

So, with that, again I thank the committee for the time.

[The information follows:]

**Testimony, House Appropriations Subcommittee on Interior and Related Agencies  
March 17, 2016**

**Mark LeBeau, PhD, MS  
California Rural Indian Health Board CEO**

Good morning, Chairman and Committee members. My name is Mark LeBeau and I am the Chief Executive Officer at the California Rural Indian Health Board. Thank you for giving the California Rural Indian Health Board the opportunity to testify about funding of the Indian Health Service. As authorized by the Indian Self Determination, Education, and Assistance Act, the California Rural Indian Health Board provides health care services and support to twelve member tribal health programs. Our work is sanctioned by thirty-three federally recognized California tribes.

The California Rural Indian Health Board was founded in 1969 to bring federally funded health services back to tribal communities in California. These services were withdrawn as a result of federal termination practices that began in the 1950s. As results of these termination practices, many American Indians in rural areas had no access to medical or dental services and child and maternal mortality rates were abysmal. Since the California Rural Indian Health Board was founded, California tribes have built a network of 32 tribal health programs and serve more than 80,000 patients who are eligible for Indian Health Service services. While our health has improved and our population is growing, we still face some of the worst health inequities of any underserved population in the United States. According to the Kaiser Family Foundation, American Indians and Alaska Natives are significantly more likely to report being overweight or obese, having diabetes or cardiovascular disease and experiencing frequent mental distress than other populations<sup>1</sup>. Here are our requests:

1. First, we respectfully request that the committee fully fund the Indian Health Service at \$30 billion, which is national Budget Formulation Workgroup's calculation of unmet need in the tribal healthcare system. We appreciate that the Administration's proposal of \$6.6 billion is a \$402 million increase from FY2016. The treaties entered into between the tribes and the federal government establish a responsibility for the federal government to provide health care to tribes and American Indians/Alaska Natives. It is a trust responsibility of the federal government to uphold their part of the treaties and provide these services in order to serve our diverse American Indians/Alaska Native population. In light of this, we believe that the Indian Health Service should be fully funded. In 2015, the Indian Health Service per capital expenditures for patient health services were just \$3,136 compared to \$8,517 per person for health care spending nationally. Conditions at the Indian Health Service have been referred to as "in a state of emergency" and these conditions need to improve immediately. For these reasons, we request full funding of the Indian Health Service at \$30 billion, which would meet the calculated unmet need in the tribal healthcare system.

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<sup>1</sup> Kaiser Commission on Medicaid and the Uninsured analysis of the Centers for Disease Control and Prevention's Behavioral Risk Factor Surveillance System Survey Data (BRFSS), 2011

2. Second, we respectfully request that the committee fund the Indian Health Service Facilities Maintenance and Improvement funding in the amount of \$105 million. This line item previously flat-lined for many years at around \$54 million despite the fact that millions of square feet of facility space have entered the Indian Health Service Facility Inventory during that same period. Even with recent increases to this funding that raised the amount to \$74 million, we believe work still needs to be done on this issue. Furthermore, we believe that the \$3 million increase proposed by the Administration is still not enough to maintain the national investment of millions of dollars of federal and tribal construction funding. In California this funding is critically important because despite many years of trying and more than 50 applications, no tribal health clinic or hospital facility has ever made it onto the Indian Health Service Facility Construction Priority List. As a result, tribes in California, a state with more American Indian/Alaska Natives and more federally recognized tribes than any other, have cobbled together funding and taken out loans in order to build health facilities for a growing population. If Maintenance and Improvement funding is increased, our share will go a long way to help maintain and improve these tribal health clinics. We can do a lot with a little funding.
3. Third, we request that the committee support a professional and objective reevaluation of the Indian Health Service Facilities Construction Priority system, which has not been substantially revised since 1991. The current list creates a one billion dollar backlog that will prevent applications for new facilities for the next fifteen to twenty years. It is important to note that there are no California tribal health facilities on the Indian Health Service priority list. Most of the listed facilities would provide inpatient care that today is provided as outpatient care everywhere else. Many clinics in California are in serious need of repair and/or are too small to meet the growing need. Access to care in California is a significant problem, whereas the Phoenix Area receives significant facilities dollars for facility construction. However, the Phoenix Area has immediate access to the largest Indian hospital in the country.
4. Fourth, the California Rural Indian Health Board has testified before about lack of fundamental fairness in Indian Health Service allocation of program funding. This inequity has resulted in compromised care for our service population. It has been documented in numerous Government Accountability Office reports, including the 2012 report on Purchased/Referred Care. The foundation of the allocation method, the use of "base funding," is not tied to any measure of actual need. Instead it is based on what a given program received the year before. Many tribal health programs in California strongly recommend receiving the maximum Purchased/Referred Care funding afforded to them through existing law and all steps in the current formula.

Today the California Rural Indian Health Board asks the committee to fund the tier 2 step in the allocation formula taking into consideration the expanded population of American Indian/Alaska Natives in California and the cost of medical inflation. When these costs are factored for the California Indian Health Service Area, there are a significant number of American Indian/Alaska Natives who should be eligible for Purchased/Referred Care. The tribal clinics haven't been able to keep up with medical inflation costs on their own

and we believe that is part of the federal governments trust responsibility to provide this support.

Additionally, Medicaid estate recovery has been mentioned as a likely barrier to Purchased/Referred Care funds. Federal law requires California to recoup costs of Medi-Cal patients who utilized long-term care services by filing claims against patients' estates. Although current federal law exempts certain kinds of Indian property, including trust and reservation land, from estate recovery, many forms of property owned by American Indians/Alaska Natives are not exempt. Because this has been identified as an obstacle to enrollment in health coverage, tribal health advocates are working to achieve a broader exemption from Medi-Cal estate recovery for all American Indian/Alaska Native property. If individuals do not apply for Medicaid because they are concerned about estate recovery, those individuals may also lose out in accessing Purchased/Referred Care funds since it is the payer of last resort. In light of this, we respectfully request the committee recommend the Center for Medicaid and Medicare Services provide an exemption for American Indian/Alaska Natives who participate in long-term care services. We believe the federal trust responsibility needs to be extended to these American Indians/Alaska Natives.

5. The California Rural Indian Health Board respectfully requests the committee provide an additional \$50 million in funding for the Special Diabetes Program for Indians and also to fully fund the Methamphetamine Suicide Prevention Initiative and the Domestic Violence Prevention Initiative. These three programs are Congressionally-appropriated demonstration pilot projects, which are currently funded through a competitive grant process. This competitive grant process creates barriers to care and requires tribal programs to fight against each other for critical funding. We know that diabetes, suicide, drug use and domestic violence are more prevalent among the American Indian/Alaska Native populations in comparison to other races and these funds are critical for tribal health programs to serve their populations that are in such need. The health disparities that exist in our community require permanent funding for these programs.
6. We respectfully request the committee support funding for California tribal health programs to create a tribal drug Medi-Cal delivery system. Specifically, we ask the committee to request the Centers for Medicaid and Medicare Services and the U.S. Department of Health and Human Services to support the implementation of the tribal drug Medi-Cal delivery system including initial funding for the administration and set up of the program. Managed care implementation has created many difficult challenges for tribal health programs in California, as has the delegation of behavioral health authority to the counties. Tribes, tribal clinics, and the California Rural Indian Health Board ask for your support for funding to support tribal health and Indian Health Service programming and specifically funding for the Drug Medi-Cal delivery system as allowed through the Federal waiver process. We ask you to support this program to allow tribal health programs to provide these services. We ask for your support to recognize tribal healthcare delivery systems within individual states. Significant barriers can widely vary between the same federal provisions within different state oversight and we need your help to implement this important system.

In conclusion, on behalf of the California Rural Indian Health Board, thank you for your continued support of the California Indian Youth Regional Treatment Centers. Your support will assist Indian youth with their recovery journey and help to strengthen American Indian/Alaska Native communities. We ask that the Indian Health Service appropriations be increased to more fully fund direct services and programs. We ask that Indian Health Service Facilities M&I be increased to catch up with the amount of facility space in the Indian Health Service Facilities Inventory, including the California Indian Health Service Area. We also ask you to direct the Indian Health Service to obtain an objective outside assessment of the Indian Health Service Facilities Construction Priority List and determine whether this program is being conducted in an equitable manner. We also ask that you make the Indian Health Service accountable for inequities in Indian Health Service funding throughout its system because it continues to impede our efforts to provide the level of care other Indian Health Service areas provide. Lastly, we request full funding and permanent authorization for the three existing demonstration projects in our community as well as funding for the Drug Medi-Cal delivery system. Thank you.

Mr. CALVERT. Thank you.  
 Ms. Lucero. Thank you.

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THURSDAY, MARCH 17, 2016.

## SEATTLE INDIAN HEALTH BOARD

### WITNESS

**ESTHER LUCERO, EXECUTIVE DIRECTOR, SEATTLE INDIAN HEALTH BOARD**

Ms. LUCERO. Chairman Calvert, Ranking Member McCollum, I just want to say good afternoon because we are beyond the morning time.

My name is Esther Lucero, and I am the new chief executive officer for the Seattle Indian Health Board. I was actually recently transplanted from California. They kind of handed me an umbrella and said, "Welcome to Seattle."

I am Navajo and Latina, and I am third generation urban Indian.

I appreciate the committee's continued commitment to hearing from all of us, and I am honored to have the opportunity to present testimony today.

The Seattle Indian Health Board is one of 34 urban Indian health programs in the Nation. We are a contractor and grantee with the Indian Health Service under the authority of the Indian Healthcare Improvement Act. We will celebrate our 46th year of service to our community this year, which makes the health board just a little bit older than me. So—

We serve more than 4,000 American Indians and Alaska Natives annually. We have representatives from more than 250 different tribes. And our goal is to improve the health of American Indians and Alaska Natives living in urban Indian environments through the provision of culturally relevant, integrated health and human services. In fact, right now we are in the process of implementing a culturally relevant integration model, which is heavily informed by the principles of trauma-informed systems of care.

We offer an array of services, including medical, dental, mental health, substance abuse, nutrition, pharmacy, traditional healing services. We also have other social services that help us address some of the social determinants of health.

For example, we provide case management to support our Native youth in elementary school systems, right? Try to improve attendance rates and, obviously, graduation rates. We also have an elders program, and we have about 70 participants in that on a daily basis in drop-in center, and 40 percent of them happen to be homeless.

So we are very proud of many things, but I think I just want to present a few that may be significant to you today. And one of them is our Thunderbird Treatment Center, which is a 65 residential treatment center.

Right now, I mean, you mentioned opioid issues. We are experiencing that at an astronomical rate in urban settings. So much so that we are looking at providing a separate cottage to address residents who are recovering from opioid use.

We also have the only Native allopathic family medicine residency program in the Nation. In fact, our current medical director is a graduate of that program. And we manage the Urban Indian Health Institute, which is an IHS tribal epidemiology center, and its focus is on urban Indian health issues across the Nation.

So today I am here because I just first want to thank the committee for the \$1.85 million increase to the fiscal year 2016. This demonstrates the recognition of health disparities among urban Indians and the commitment to improve those services. So I really thank you for that.

We are also excited by the recent request from Indian Health Service for the \$3.5 million increase for fiscal year 2017. So we just feel really hopeful. And in particular, we are excited about the fact that 8 of the 12 regions recommended increases to their urban Indian health program line item.

As you are aware and, you know, as my colleague mentioned earlier, 7 out of 10 of all American Indians live in urban environments, and still somehow the budget is just right around 1 percent for IHS. We are hopeful that these recent shifts in budget requests and allocations become a positive trend, you know, in how the administration, the Congress, and the IHS are beginning to address the needs of urban Indian populations.

We also recognize that the IHS is burdened with serving tribal communities with a limited budget, and it consistently fails to adequately address the disproportionate disparities suffered by American Indians/Alaska Natives. But somehow this continues to occur despite the Federal trust responsibility to address the needs in the realms of health, housing, and education.

We absolutely support the need to expand resources for tribal communities. We have no desire to compromise those resources.

And it is very important to recognize that the number of urban Indian people—number of Indian people migrating to urban environments continues to grow. And it becomes our responsibility, as urban Indian health organizations, to overcome the social, cultural, and historical factors that make accessing essential health services difficult, which also requires resources.

I mean, remember, we are more than a health service provider. I mean, we ensure that urban Indian people have a home away from home. We provide a place where it is safe to be Indian in cities, where they can become invisible, you know, or they can become victims of institutionalized racism.

We provide a place where they can not only access culturally relevant services, but also begin to build community. And remember, a community is the core of urban Indian resilience.

So, with that, I would just like to thank you for your time and for your commitment to continue to increase funding. I want to encourage that urban Indian health leaders are included in the strategic planning process, and I want to make sure that we are able to develop an adequate budget as a result of that strategic plan.

Mr. CALVERT. Thank you.

Ms. LUCERO. Again, thank you.

[The information follows:]



## Seattle Indian Health Board

*For the Love of Native People*

TESTIMONY OF ESTHER LUCERO  
EXECUTIVE DIRECTOR  
SEATTLE INDIAN HEALTH BOARD  
FOR  
HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
Thursday, March 17, 2016, 11:00 a.m.

Chairman Calvert, ranking member McCollum, members of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, my name is Esther Lucero. I am the Chief Executive Officer for the Seattle Indian Health Board. I am of Navajo and Latina descent. I am a third generation urban Indian. I appreciate the opportunity to present testimony today.

The Seattle Indian Health Board is a contractor and grantee with the Indian Health Service under authority of the Indian Health Care Improvement Act. Our goal is to improve the health of American Indians and Alaska Natives living in cities through the provision of culturally relevant health and human services. The Health Board has been in continuous operation since 1970. We offer a comprehensive array of primary health care services including medical, dental, mental health, substance abuse, nutrition, pharmacy, and traditional health services to more than 4,000 Indian people annually representing more than 250 different Indian tribes. We manage Thunderbird Treatment Center, one of the largest residential chemical dependency treatment centers in Washington State.

Beyond our clinical services, the Health Board operates the only American Indian/Alaska Native, allopathic, ACGME accredited family medicine physician residency training program in the nation. We also manage the Urban Indian Health Institute, one of the Indian Health Service's tribal epidemiology centers with a focus on the health of urban Indians from across the nation.

I am here seeking your support for improved funding for the urban Indian health program with the Indian Health Service. I would like to thank the subcommittee for recommending and getting approved the \$1.85 million increase for FY-2016. Your recognition of our work by appropriating an increase in 2016 illustrates the growing recognition of the health disparities witnessed among urban Indians and the need to invest in improving services to aid in addressing this crisis.

We are particularly heartened by the recent request from the Indian Health Service for a \$3.55 million increase for FY-2017, and encouraged by the FY-2018 IHS budget formulation process, where 8 of 12 regions recommended increases to the urban Indian health program line item. As the subcommittee



## Seattle Indian Health Board

*For the Love of Native People*

knows, the Indian Health Service has not sought reasonable funding for urban Indian health in years past. Despite the fact that 7 of 10 of all American Indian/Alaska Native people now living in urban areas, and 3 out of 4 in the state of Washington, the urban Indian health program line item still only accounts for approximately 1% of the IHS budget. While we have seen some positive trends in how the administration, the Congress and the IHS are addressing the needs of the urban AI/AN population, the IHS is burdened with serving tribal communities with a budget that fails to adequately address the alarmingly persistent health disparities suffered by our AI/AN people. This continues to occur despite the obligations of a federal trust responsibility to address the needs of AI/ANs in the realms of health, housing and education. While we absolutely support the need to expand resources for tribal communities, in that same vein, it is important to recognize that a growing number of Indian people now call major American cities home, and it has become the responsibility of agencies like the Seattle Indian Health Board to overcome the social, cultural, and historical factors that make accessing essential, health services difficult. We are more than a health service provider. We ensure that urban AI/AN people have a home-away-from-home, a place where they can access culturally relevant services and build community. Community is the core of our resilience.

The Indian Health Service is seeking \$2.4 million in support for current services, and we thank the committee for the increase in the IHS budget to address the needs of our urban AI/AN population, but this number is still inadequate for the urban Indian health programs to address the needs of a tribally diverse, dispersed and disenfranchised urban AI/AN community. \$5 million would bring us closer to meeting the growing need. We would be able to build the infrastructure and strengthen the services for the three types of UIHP (Comprehensive, Limited, and Outreach and Referral). This would begin to provide a foundation to adequately serve the needs of the 1 million AI/ANs who live in their service areas. This is why we wholeheartedly support the \$1.15 million request to conduct a strategic plan for the urban Indian health program. We have for years felt that there are sufficient differences between tribal communities and the demand of urban life that require a more specific understanding that a strategic plan might produce. This is a task that has been needed for quite some time. A strategic plan will help us understand the current status of the urban Indian health condition and provide guidance for how we might best address the barriers that have prevented any significant progress toward retarding and reversing the disparity findings. We ask that the leadership of the urban Indian health organizations play a key role in directing the plan to assure that the integrity of the on-the-ground operations are represented in the findings. All too often reliance on data and secondary assessments fail to appreciate



## Seattle Indian Health Board

*For the Love of Native People*

the priorities in local communities driven by community factors and resource availability. Bringing these elements into the plan will greatly improve the prospects that solutions will be more likely to succeed. We hope also that the plan includes cities with sizable urban Indian populations that do not currently have an urban Indian health organization presence. As the nature of these cities is understood we believe the subcommittee will see the virtue of expanding urban Indian funding for new programs as resources become available.

In summary, we thank the committee for recognizing that there is a funding disparity in the IHS budget to address the health needs of AI/ANs living in urban areas. As UIHPs it is very important that we work with our tribal communities to best meet the needs of all AI/AN people, particularly when they migrate or relocate to urban environments. We ask that the budget formulation process better reflect the health care needs of the urban AI/AN community and that the strategic plan identify a feasible budget to adequately combat the health disparities experienced by our AI/AN population regardless of where they reside.

Mr. CALVERT. Thank you very much for your testimony.

Next, Ms. Shaquita Bell, who happened to be born and raised in Minnesota.

Dr. BELL. That is right.

Mr. CALVERT. There you go. We thank you for coming, and you are recognized.

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THURSDAY, MARCH 17, 2016.

## AMERICAN ACADEMY OF PEDIATRICS

### WITNESS

#### SHAQUITA BELL, INCOMING CHAIR, AMERICAN ACADEMY OF PEDIATRICS

Dr. BELL. Thank you, Mr. Chairman. Thank you, and thank you, Ranking Member McCollum.

My name is Dr. Shaquita Bell, and I am here today on behalf of the American Academy of Pediatrics. I am the incoming chair of the AAP's Committee on Native American Child Health.

I am a practicing pediatrician at Seattle Children's Hospital. I am a clinical associate professor at the University of Washington, and I also work closely with the Seattle Indian Health Board. And I think I was less nervous on my first day of neurosurgery rotation in med school. [Laughter.]

There was no cameras, though, thankfully.

So the AAP has a contract with the IHS to do an annual site visit to review children's health services. I recently led a team to the Minneapolis—to Minneapolis to visit the Minneapolis Indian Health Board. I am Cherokee, and as a youth, I lived in nearby Little Earth, and I received care at the Minneapolis Indian Health Board.

It was tough to see—on this revisit, tough to see the serious challenges that my community continues to face, such as a rising incidence of neonatal abstinence syndrome. However, it was also inspiring to see MIHB's work, important work, including culturally competent and trauma-informed mental health services. We appreciate that through a constrained fiscal environment that this subcommittee continues to recognize the importance of investing in Native children.

But even with the increases in the President's proposed IHS budget, the agency will still fall significantly short of meeting the health needs of this patient population. The AAP urges the subcommittee to provide at least the \$5.185 billion in President Obama's proposed budget.

Through my work, I have seen firsthand how we can successfully improve Native children's health, despite the disparities they face. I have a 3-year-old Native patient who, the first time she came to see me, was unable to walk or talk or feed herself.

Her family, although loving parents, had no idea that there was access to healthcare. Through our care, she has access to the devices she needs to assist her with her life, and she has access to fresh produce.

Through SIHB's United Indians of All Tribes, another Native youth of mine, who was not able to talk when I first saw him, now

has speech and occupational therapy, and I can hardly get a word in edgewise during our visits. [Laughter.]

Native youth suicide is a health crisis that I am very passionate about addressing. I serve on the King County Child Death Review Committee, and I have personally reviewed dozens of youth suicide cases. This is a crisis we can prevent, and the AAP strongly supports the administration's proposals to address youth suicide, including Zero Suicide initiative and the Substance Use and Suicide Prevention Program.

Given the critical nature of the work IHS does and the unique Federal trust responsibility underlying this work, the AAP strongly supports the provision of advance appropriations to IHS, which is a no-cost policy that would benefit children through better health service delivery and more cost-effective public health programming.

At the University of Washington, I teach and mentor Native students interested in practicing pediatrics. The student debt—or student loan debt has a major impact on their career decisions. We are extremely pleased to see that the IHS budget proposal would tax exempt IHS Health Profession Scholarship Program and Health Professions Loan Repayment Program. Effective recruitment and retention tools like this help cultivate the community to care for Native children.

The AAP strongly supports, along with everyone else at this table, the CMS policy to expand 100 percent FMAP eligibility for providers caring for Native individuals, which will expand access to care. The AAP also supports the President's proposal to extend 100 percent FMAP to urban Indian health programs.

Purchased and referred care funds are consistently inadequate to meet the need for services, impeding access for Native children. The AAP strongly supports the implementation of Medicare-like rates for PRC, with exceptions that take geography and availability to specialty care into account to avoid inadvertent barriers to seeking care.

Thank you again for the opportunity to provide public comment today on the important issues of Native children. I would be happy to answer any questions.

[The information follows:]

Good Morning Chairman Calvert, Ranking Member McCollum, and Subcommittee Members: My name is Dr. Shaquita Bell, and I am here today on behalf of the American Academy of Pediatrics, which represents 64,000 pediatricians around the country. I serve on the AAP's Committee on Native American Child Health, a group of leading national experts on this issue. In addition to my role within the AAP, I am a practicing pediatrician at Seattle Children's Hospital, and a Clinical Associate Professor in the University of Washington School of Medicine's Department of Pediatrics. Through my work at the Odessa Brown Children's Clinic a Community health clinic, I work closely with the Seattle Indian Health Board in helping care for their child patient population.

I am extremely grateful for the opportunity to testify today on behalf of the AAP to discuss the critical importance of federal investment in American Indian and Alaska Native (AI/AN) child health. For 50 years, the AAP has formally conducted work on AI/AN child health. Our commitment to these issues is embodied in the work that we do through a contract with the Indian Health Service (IHS). Each year, our Committee conducts annual site visits to review all aspects of child health services and public health programs at four sites in a different IHS Area. Our experts provide immediate technical assistance to sites to support improved care, working closely with Tribal and IHS facility leadership and child health staff. In addition, we provide guidance to IHS on facilities' model programs that the Agency can promote and disseminate, and the key challenges they face.

Most recently, I led a team up to Minneapolis to visit the Minneapolis Indian Health Board (MIHB). This was a particularly moving experience for me. I am Cherokee, and as a youth, I lived in the nearby community of Little Earth, and I myself received care at MIHB. Returning home, it was tough to see some of the serious challenges my community faces, such as rising incidence of neonatal abstinence syndrome. However, it was also inspiring to see the critical work MIHB continues to do to better the lives of the community. This includes a model behavioral health program that is culturally competent and trauma-informed, as well as a strong tobacco cessation clinic to reduce high smoking rates. Wherever we travel across the country, this is the story in Native communities; serious challenges, but also inexhaustible and committed people who are making a major difference in the lives of those for whom they care. Any of those children may one day take my place in this very seat. This energy and hope drives the work I do, and is what brings me here today.

We appreciate that through a constrained fiscal environment this Subcommittee has continued to recognize the importance of investing in the IHS and other programs serving the needs of AI/AN children. However, at current funding levels there is still significant unmet need, and the health disparities Native children face represent a crisis we must address. Even with the increases in the President's proposed IHS budget, the Agency will still fall significantly short of meeting the health needs of its patient population. The AAP urges the Subcommittee to maintain its commitment to AI/AN child health needs in FY 2017 with strong investments in the IHS, including the provision of at least the \$5.185 billion in President Obama's proposed budget.

***Challenges to the Provision of Care to AI/AN Children:*** We know that Native children face substantial health disparities, many of which are rooted in social determinants of health that stem from the historical trauma Native communities have faced throughout our history. Poverty, alcoholism, substance abuse, chronic illness, child abuse, and other poor health and social conditions are the symptoms of these underlying health crises in Native communities, not the cause of them. In medical terms these are the preventable diseases that we can intervene on. We

know that children thrive when they have safe, stable, and nurturing relationships with the adults in their lives. It is essential that public policy support Native children by providing access to services to meet their health and developmental needs. We must also endeavor to lift children and their families out of poverty to support their lifelong health.

I see the health crises that arise from these social conditions firsthand. As an inpatient attending physician, I had the heartbreaking experience of caring for a 16 year old who overdosed on heroin. As a pediatrician, I never anticipated that my job would require expertise in managing drug overdoses and certainly not that young. In caring for Native children, we face these challenges in an environment of extreme resource scarcity. Medical and public health professionals are doing amazing work to improve the health of Native children and their families. I would like to share with you some stories about my own patients that illustrate the impact of high-quality health services, and the need to provide robust resources to support the work my colleagues and I are able to do.

***Success in Serving AI/AN Children:*** I recently saw a three-year-old Native patient of mine who has made tremendous progress from her initial health challenges. Her parents provided the best they could for her after she was born, but were so impoverished that she was sleeping with them on a mattress in a one-bedroom apartment that they shared with six other people. She ate whatever her family could afford. When she first came to me at 2 years old, she was malnourished and developmentally delayed; she could not walk, talk, or feed herself. Her parents did not have health coverage, but gained it through Affordable Care Act and were able to access care for their daughter. We were able to get her specialty care and assistive ambulatory devices to help her walk. My clinic has a federal grant allowing us to provide patients like her with prescriptions for fresh produce through the Supplemental Nutrition Assistance Program (SNAP), which doubles the value of their benefit to facilitate nutritious eating. Access to coordinated health and social services has created major improvements in her health and wellbeing in just one year.

I have another patient for whom I care, in coordination with SIHB. He could walk, but at two years old had not yet started to talk. Through SIHB and their United Indians of All Tribes programs he has been able to access speech and occupational therapy services. Now I can't get a word in edgewise during our visits! A crucial component of these services is that they are provided in the home. This prevents the need for transportation and additional time off from work and school. But even more importantly, it allows therapists to teach children and families the skills they need in the environment in which they will actually use them, making them practically applicable and easy to implement.

I share these stories to demonstrate that despite the many challenges facing the Native children I and my colleagues care for, there are opportunities to support their health and wellbeing and ensure they can thrive. We already know what works, we just need to do more to support it.

***FY 2017 Appropriations:*** The AAP supports the provision of at least the IHS funding requests outlined in the President's proposed FY 2017 budget, which would provide \$5.185 billion in discretionary authority to IHS. The proposed \$377 million increase above the FY 2016 enacted level is an important increase, but as we all well know it still leaves substantial unmet need in the Agency's ability to meet the health needs of those for whom it cares, particularly children. While we are aware of the constrained fiscal environment in which you operate, we urge the

Subcommittee to provide robust increased funding to IHS to support the health needs of Native children. I will also highlight key programs and policies that the AAP supports to improve Native children's health.

### ***Youth Suicide Prevention***

Native youth suicide is a health crisis that I am passionate about addressing. I serve on the King County Child Death Review Committee, and I have personally reviewed dozens of youth suicide cases. It is so painful to see after the fact that the young people who seemed like the life of the party on the outside were struggling with unmet mental health needs on the inside that led them to take their lives. Youth suicide is a crisis we can prevent, and the AAP strongly supports the Administration's proposals to address youth suicide, including the \$3.6 million for the Zero Suicide Initiative and \$15 million to expand the Substance Use and Suicide Prevention Program. While these are by no means a panacea, they represent important efforts to support the mental health needs of Native youth.

***Advance Appropriations for IHS:*** Given the critical nature of the work IHS does, its significant impact on Native children, and the unique federal trust responsibility underlying this work, the AAP strongly supports the provision of advance appropriations to IHS. Advance appropriations would also enable IHS to augment the value of its funding through longer term planning, improved budgeting, and better contracting options. These improvements would benefit children through better health service delivery and more cost-effective public health programming. Advance appropriations would enable IHS to better recruit and retain pediatric health care providers. This policy would generate important child health benefits without additional cost to the federal government, as demonstrated by the Veterans Health Administration since 2009.

***IHS Workforce Recruitment and Retention:*** Effective recruitment and retention programming is central to ensuring IHS has the workforce necessary to meet the health needs of Native children. I teach and mentor Native students at the University of Washington interested in practicing pediatrics. The burden of student loan debt is a clear and compelling factor in the decisions they make. We were extremely pleased to see that the IHS budget proposal would make the Indian Health Service Health Professions Scholarship Program and Health Professions Loan Repayment Program tax exempt. Doing so would bring the status of these programs in line with the National Health Service Corps and Armed Services Health Professions scholarships. We urge you to fully fund these programs and to support their tax exemption. There are nearly 1,500 health professionals vacancies in IHS, indicating significant unmet need. With a budget impact of only \$11 million, this policy offers a high-value outcome at a low cost.<sup>1</sup>

The federal government has done a tremendous job making education available to Native students. To build upon this success, we suggest further efforts to work with educational institutions to ensure that their student bodies accurately reflect the patient populations they serve. Federal funding to educational institutions offers important opportunities to ensure that our medical schools are intentional in building a diverse next generation of health care providers.

***100% FMAP:*** The AAP strongly supports the new U.S. Centers for Medicare and Medicaid Services (CMS) policy to expand 100 percent Federal Medical Assistance Percentage (FMAP) eligibility for providers caring for AI/AN individuals. This policy will: enable Urban Indian Health Programs access to needed higher reimbursement rates; expand access to transportation

Shaquita Bell, MD, FAAP- American Academy of Pediatrics  
 "American Indian and Alaska Native Programs", 3/17/2016

services; and provide flexibility to allow optimal billing arrangements for specialty care. Working frequently with the fantastic providers at SIHB, I know firsthand how important Urban Indian Health Programs are. Urban Indian children are at increased risk for serious mental health and substance abuse issues, suicide, gang activity, teen pregnancy, and maltreatment. Disrupted ties to familial and traditional cultural environments, elders and their ceremonies, have an additional impact on the support structures available to children to mediate these health risks.<sup>ii</sup> For these reasons, we also support the measure in the President's proposed budget to expressly extend 100 percent FMAP to Urban Indian Health Programs. Improved reimbursement will make this critical network of community providers more sustainable and support their important child health services. This is critical since over 70% of AI/AN individuals live in urban areas.

***Purchased and Referred Care:*** Purchased and Referred Care (PRC) is a critical component of the federal trust responsibility to provide health care for Native Americans. These funds ensure access to services not otherwise available at IHS/Tribal/Urban Indian (I/T/U) programs. However, the funds within PRC are consistently inadequate to meet the need for services. Once PRC funding is expended in a given fiscal year, there are no remaining funds for Native children and their families to access services. Limited funds make many services from which Native children would benefit, including behavioral health services, unavailable within PRC. When I worked at Lane Deer, I sat in on a difficult meeting where their leadership had to decide whether to use their entire PRC budget to save one elder's life with a surgical procedure. Access to care for Native children is critical. This is especially true for those with disabilities, who face higher risks for poor outcomes than non-Native children with disabilities.

Given the need to maximize the purchasing power of federal government dollars under PRC, the AAP strongly supports the implementation of Medicare-like rates for PRC, including for all physician and other health care professional services and non-hospital-based services. Harmonizing PRC payment with Medicare rates will improve the capacity of the PRC program and improve access to care for children, particularly for specialty care. The U.S. Government Accountability Office (GAO) has determined that the IHS PRC program would have saved \$32 million in 2010 just on physician services through the use of Medicare payment methods.<sup>iii</sup> Such a policy must not reduce children's access to needed health services, and therefore we also believe that any such policy must include exceptions that take geography and the availability of specialty care into account. We also urge you to fully fund the PRC program in FY 2017.

***Conclusion:*** Thank you again for the opportunity to provide public comment today on the important issue of AI/AN child health needs. Native children need the important health services and public health programs funded through IHS. While there are challenges to improving AI/AN child health, it is clear that there are many successful examples of ways to do so that are cost-effective. We thank you again for your ongoing commitment to Native communities and families like my own, and urge you to provide the funding necessary to meet the health needs of AI/AN children. I would be happy to answer any questions that you may have for me.

<sup>i</sup> Department of Health and Human Services. *Fiscal Year 2017 Justification of Estimates for Appropriations Committees- Indian Health Service*. January 11, 2016. Retrieved from

<https://www.ihs.gov/budgetformulation/includes/themes/newibsthem/documents/FY2017CongressionalJustification.pdf>

<sup>ii</sup> U.S. Department of Health and Human Services Indian Health Service (2015). Urban Indian Health Program Fact Sheet. Retrieved from <https://www.ihs.gov/newsroom/factsheets/uihp/>

<sup>iii</sup> U.S. Government Accountability Office. *Indian Health Service: Capping Payment Rates for Nonhospital Services Could Save Millions of Dollars for Contract Health Services*. Report to Congressional Addressees. April 2013. GAO-13-272.

Mr. CALVERT. Thank you, and thank you for your testimony.

Brandie, I hear you on electronic records. And as you know, there are companies that specialize in that.

Ms. MIRANDA-GREANY. Yes.

Mr. CALVERT. And you know, we have been doing this for a while, and obviously, there is no stigma for the BIA to contract out for that service. I think that obviously is probably the right solution. It probably costs a lot less, and you will probably get it online a lot faster.

Ms. MIRANDA-GREANY. Probably. Well, it is a system older than I am. So, hopefully, we can, as I said, come into the 21st century.

Mr. CALVERT. Right. Hopefully, we can get that fixed.

And Mr. LeBeau, I know the treatment center is over near the Soboba reservation, is that where the center is being built?

Mr. LEBEAU. It is Southern California, the Taylor ranch, I believe?

Ms. MIRANDA-GREANY. It is kind of in between Soboba and Pechanga, kind of in the middle, the Anza area.

Mr. CALVERT. Okay. Right in there? Okay. Yes, so that is in my district. If not, near my district.

Ms. MIRANDA-GREANY. The address is Hemet, but it is kind of in between the two—

Mr. CALVERT. Yes, yes. It is nearby. Okay. I will try to get out there when you do the ribbon cutting, and that is a facility that is greatly needed and so in our region.

I live in an urban area. We have a large number of Native Americans in Southern California and I know in Seattle and all the urban regions. It is something that is underserved, and we need to recognize that as we move along through this budget process. We look forward to hearing from you, any suggestions that you might have.

Mr. LeBeau, you said we just—just finished up the 2004 construction list. How old did you say the IHS list is again?

Mr. LEBEAU. 1990, sir.

Mr. CALVERT. 1990.

Mr. LEBEAU. Yes, and—

Mr. CALVERT. And there are no facilities in California on that list.

Mr. LEBEAU. There is no facilities—

Mr. CALVERT. That is not good.

Mr. LEBEAU [continuing]. On that list.

Ms. MCCOLLUM. I would even agree with that.

Mr. CALVERT. Yes, that is not good. We certainly need to work on that.

And Shaquita, thank you for taking a career in healthcare and serving an underserved population. That is a great thing that you are doing.

Dr. BELL. Thank you. It is an honor.

Mr. CALVERT. Okay. Ms. McCollum.

Ms. MCCOLLUM. Well, Dr. Bell, I would love to figure out more ways in which we can support the mentoring of more young Native Americans. Although, there is an urgent challenge in front of us. We can't wait until they are all grown, graduated, and choosing healthcare occupations.

It is important to focus on science and math education, but it is also necessary to look at how we can improve school retention and that. So if you have ideas about working with organizations, we would certainly like to implement whatever we could.

Mr. Chair, I know you talked about private vendors, and I have nothing against private vendors. But the VA system seems to work, right?

Ms. MIRANDA-GREANY. Better than what we have.

Ms. MCCOLLUM. Okay. Better than what you have, and we have already paid for that system once. There would have to be different coding put in for billing and things like that. But there is a system at the VA that is basic and might even be quicker and more expedited to roll out, a system that we have already paid for.

And you do a lot of interactions with the VA to start with—

Ms. MIRANDA-GREANY. Yes, yes.

Ms. MCCOLLUM [continuing]. And reporting into the Federal system.

Mr. CALVERT. Let us just agree what we have is not working.

Ms. MIRANDA-GREANY. Yes, I think anything is better than what we have at this point. So we are using—

Ms. MCCOLLUM. Right. I think we should put all options on the table—

Ms. MIRANDA-GREANY. Absolutely.

Ms. MCCOLLUM [continuing]. And see what that looks like.

Ms. MIRANDA-GREANY. That would be greatly appreciated.

Mr. CALVERT. All of the above.

Ms. MCCOLLUM. Yes, we can tell you that the VA system and the DOD system don't talk to each other well. So we certainly don't want to create something that isn't good.

Thank you all for your testimony, and I think even though it was a California-based tribe with a Seattle Minnesota transplant—

[Laughter.]

Ms. MCCOLLUM [continuing]. I think it is really important that urban Indian voices be heard in accessing healthcare. We also have to work on making sure that Johnson-O'Malley is working for those students, too, as well.

Thank you.

Ms. MIRANDA-GREANY. Yes, thank you.

Mr. CALVERT. And thank you for all coming out to Washington, D.C. We appreciate it.

And we have listened to the testimony today. This concludes our public witness hearing regarding the fiscal year 2017 budget for American Indians and Alaskan Natives under our jurisdiction for this morning. And I can assure you your voices are heard.

And as I said in my opening, for those who are new to this process, the hearings are just the start of a dialogue. We come to depend on your telling us what the needs are out there so that we make the right choices and earn the votes of our colleagues.

We will adjourn for lunch, and we will be back here this afternoon. This hearing is adjourned for now.

THURSDAY, MARCH 17, 2015.

**AFTERNOON SESSION**

Mr. SIMPSON. Good afternoon, and welcome to the public witness hearing specifically for American Indians and Alaska Native programs under the jurisdiction of Interior and Environment Appropriations Subcommittee. I especially want to welcome the distinguished tribal elders and leaders testifying today and in the audience. Most of you have traveled a long way to be here this week.

I hope that you will seize the opportunity to meet with other members of Congress outside of this subcommittee to remind them that honoring the Nation's trust obligations is a responsibility shared by all members of Congress regardless of our State or congressional districts. I can assure you that your voices are heard by this subcommittee. For those new to this process, today's hearings are just the start of a dialogue we have come to depend upon to help us make smart choices in budget and to earn the votes of our colleagues.

American Indians and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee just as they have been in the recent years under the chairmanship of Democrats and Republicans alike.

Before we begin, I have a bit of housekeeping items to share. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. That is to ensure that anything anyone says here is not unfairly reproduced or out of context. The hearing can be viewed in its entirety on the committee's website, and an official hearing transcript will be available on gpo.gov.

I will call each panel of witnesses to the table one panel at a time. Each witness will have 5 minutes to present his or her oral testimony, and we will stick to the 5-minute rule. Each witness' full written testimony will be included in the record, so please do not feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may even earn you a brownie point with the chairman. We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, I will have to ask that the witness stop.

We will hear from every witness on each panel before members will be provided the opportunity to ask questions because we have a full day ahead and full afternoon ahead, which may be interrupted by votes. It will not be, but it may have been. I request that we try to keep things moving in order to stay on schedule and respect each other's time.

With that, I thank you all again for being here today, and I am happy to yield now to our distinguished ranking member, Betty McCollum, for any opening remarks that she would like to make.

Ms. MCCOLLUM. Mr. Chair, I am anxious to hear the testimony. I thank people for traveling. And with that, I yield back.

Mr. SIMPSON. I will have you introduce where you are from and who you represent. First it is Carrie Billy, president and CEO of the American Indian Higher Education Consortium, Lawrence Mirabal?

Mr. MIRABAL. Yes.

Mr. SIMPSON. Chief financial officer for the Institute for the American Indian Arts, and Leander "Russ" McDonald.

Mr. McDONALD. Leander.

Mr. SIMPSON. Leander, president of the United Tribes Technical Colleges.

Carrie, we are ready for your testimony.

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THURSDAY, MARCH 17, 2016.

## **AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM**

### **WITNESS**

**CARRIE BILLY, PRESIDENT AND CEO, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM**

Ms. BILLY. Mr. Chairman, I am Carrie Billy, president and CEO of the American Indian Higher Education Consortium. On behalf of the Nation's 37 tribal and federally chartered colleges and universities which collectively are AIHEC, thank you for the opportunity to speak on American Indian tribal higher education.

First, I want to thank you for your past support, which has enabled the tribal colleges to serve more than 160,000 American Indians, Alaska Natives, and rural community college members each year through academic and community-based programs at more than 75 sites in 16 States. Your investment in tribal colleges is yielding a remarkable return. It's transforming families, communities, tribal nations, one student at a time.

I say that not only as an Indian woman whose life was transformed by educational opportunity that literally no one in my family ever dreamed possible, but also as someone who's spent the past 3 days with almost 900 tribal college students engaged in academic, cultural, and athletic competitions at the 36th annual AIHEC Student Conference.

At the conference I saw the future of Indian Country, compassionate, hardworking, proud, curious, and committed to change. Tada Hoff from Oglala Lakota College, presented complex genetic research she's engaged in to identify a pure bison herd in the Dakotas, and she competed in the chess tournament. Not that long ago, she was an alcohol drinking homeless mother reeling from a series of bad choices. Today she is less than 1 year away from bachelor's degree in environmental science, and she's headed to graduate school.

Christian Doan is a junior and first generation tribal college student like 75 percent of all of ours students. Christ turned 21 in jail. That experience led him to a decision. He applied for college again and again, but no one wanted him. No one would take him. He applied at Haskell Indian Nations University. Haskell wanted him. Haskell took him. Haskell transformed him. Last night, Chris was elected for his second term as president of the AIHEC Student Congress.

Then there's Bryce from Leech Lake Tribal College holding down three jobs and serving as captain of his tribal college Knowledge Bowl Team. He bought a big, beaded Superman pendant at the conference because tribal colleges gave him that degree of confidence.

Finally, there are the Diné college students competing in the one act play. This group of young Navajos produced a play about an annual winter event, the March of Death by Exposure, in Gallup, New Mexico. Last year, more than 20 Navajos died. This year in about 5 weeks, 8 Navajos died. Anywhere else, anyone else, those students said that would be a national story. There would be a national outcry. In Gallup, New Mexico, it's just an annual event.

Not anymore. That group of young Diné college students held all of us accountable, the Navajo tribal government for doing nothing, the State of New Mexico for cutting funding, and the City of Gallup for closing the only detox center. We wrote the play, those students said. Now what are you going to do?

Diné College, like all the tribal colleges, gave these young people the courage and, most important, the sense of responsibility to make their nation a better place. I'm here for those students, for Bryce, Tada, Chris, individual students transforming Indian Country. Our students look back and hear our stories and songs, and in them they learn our history and our language, and gain the courage, the tools, and confidence to shape a better world on our land. Tribal colleges gave them that opportunity.

Our funding requests are very modest, and they're fully outlined in our prepared statement, so just want to mention two. One, full funding for tribal education programs, including tribal colleges. Tribal colleges are very close. We only need about \$20 million additional for the Tribal College Act schools to be fully funded. \$20 million this year, and then every year after that, our requests will be so tiny and easy, just little increases based on the annual growth in student enrollment.

Second, forward funding. All Interior schools should be funded on an academic year schedule. Only three Interior schools are not funded on that scheduled now, Haskell, Sipi, and IAIA. Thank you so much for cutting that number by two schools last year. We are extremely grateful.

But only these three schools cannot plan a realistic budget year to year. Only these three schools begin the year running out of money and have no idea when their current year funding is going to arrive. This can be fixed. Coincidentally, we only need about \$20 million. [Laughter.]

So it's important to note that this is a one-time request, and really in the long run doesn't increase the Federal budget. In fact, I think if the CBO scored it over 10 years, it would have zero impact.

I'm going to stop with those two priorities, \$40 million additional needed this year to sustain and strengthen the best experiment and experience in tribal self-determination ever, and one of the best investments the Federal government can make.

AIHEC recently commissioned an internationally known economic impact firm to investigate the return on investment of tribal college. For every 1 dollar the Federal government invests, taxpayers get back at least \$2.40, with an average rate of return of 6.2 percent. Students get back \$4.20 for every dollar they invest, and tribes, States, regions really clean up getting a \$5.20 return on investment for every dollar.

Tribal colleges save the Federal government nearly \$200 million every year in social program costs, and our alumni generate \$2.3

billion in additional income every year. That number is really way higher, but it is the best data we have right now.

In closing, Mr. Chairman, I will just note that tribal colleges are growing. That makes our request even more critical. In Fiscal Year 2018, two more tribal colleges, Comanche Nation College in Oklahoma and Red Lake Nation College in Minnesota, are expected to be expected to be eligible for Tribal College Act funding. In fact, in over 10 years we have six additional tribal colleges with no proportional funding increase.

Please help us realize our full potential. This request represents hope and opportunity to hundreds of thousands of American Indian students, like Tada, Chris, and Bryce. It's a wise and proven investment for the Federal government. Thank you.

[The information follows:]

**STATEMENT OF CARRIE L. BILLY, PRESIDENT AND CEO OF  
THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM  
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES  
DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN EDUCATION**

March 17, 2016

**I. REQUEST SUMMARY**

On behalf of the nation's Tribal Colleges and Universities (TCUs), which collectively are the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our Fiscal Year 2017 (FY 2017) appropriations recommendations for the 28 colleges funded under Titles I and II of the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act); the two tribally chartered career and technical postsecondary institutions (Title V of the TCU Act); the two Bureau of Indian Education postsecondary institutions; and the Institute of American Indian Arts (IAIA). The Bureau of Indian Education administers each of these programs, with the exception of IAIA, which is congressionally chartered and funded in its own account.

In FY 2017, TCUs seek:

- \$89,220 million to fund institutional operations and technical assistance under Titles I and II of the *Tribally Controlled Colleges and Universities Assistance Act of 1978* or Tribal College Act, of which \$88.5 million is for Titles I & II operating grants (which would fund 28 TCUs at the authorized level for the first time in 35 years) and \$701,000 is to address increasingly needed technical assistance and a modest increase of \$100,000 (this would be the first increase in technical assistance funding in 11 years);
- \$11,000,000 for Title V of the Tribal College Act, which provides partial institutional operations funding for the two tribally controlled postsecondary career and technical institutions;
- \$11,835,000, as included in the President's budget, for the Institute of American Indian Arts (this includes \$2 million towards forward funding of IAIA);
- Minimum of \$23,000,000, as included in the President's FY 2017 budget, for Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, the Bureau of Indian Education's two postsecondary institutions;
- \$17.9 million *one-time* appropriation (in addition to the \$2 million for IAIA included in the President's budget) to transition institutional operating funding for the three federally chartered TCUs from the federal fiscal year to an academic year.

IAIA, Haskell Indian Nation's University, and Southwestern Indian Polytechnic Institute are the only schools funded through the Department of the Interior that still receive their institutional funding on the federal fiscal year (October 1) or more likely, much later in the year when the annual Interior appropriation bill is passed, rather than the first week of July in preparation for the upcoming school year. Once forward-funded these TCUs -- like other institutions of higher education -- will be able to plan multiyear budgets and start (and end) each school year with dependable funding. Forward funding does not increase the federal budget in the long-term. It simply allows vital education programs to receive basic operating funds before each school year begins, which is critically important when the federal government is funded under continuing resolutions.

TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the federal government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action, and the ceding of more than one billion acres of land to the federal government. Despite the trust responsibility and treaty obligations, the TCUs' primary source of basic operating funds has never been adequately funded. Further, our member institutions – already operating on shoestring budgets – have suffered the ramifications of sequestration and other across-the-board cuts.

## II. TCUs: “DOING SO MUCH WITH SO LITTLE”

Tribal Colleges and Universities are an essential component of American Indian/Alaska Native (AI/AN) education. Currently, 37 TCUs operate more than 75 campuses and sites in 16 states, within whose geographic boundaries 80 percent of all American Indian reservations and federal Indian trust land lie. They serve students from well over 250 federally recognized tribes, more than 80 percent of whom receive federal financial aid – primarily Pell grants. In total, the TCUs annually serve 160,000 AIs/ANs and other community members through a wide variety of academic and community-based programs. TCUs are public institutions accredited by independent, regional accreditation agencies and like all U.S. institutions of higher education must regularly undergo stringent performance reviews to retain their accreditation status. Each TCU is committed to improving the lives of its students through higher education and to moving AI/ANs toward self-sufficiency. To do this, TCUs serve many roles in their reservation communities, functioning as community centers, libraries, tribal archives, career and business centers, computer labs, summer camps, community farms, economic development centers, GED training and testing centers, child and elder care centers, and more.

The federal government, despite its direct trust responsibility and binding treaty obligations, has never fully funded TCU institutional operations as authorized under the Tribally Controlled Colleges and Universities Assistance Act of 1978. Yet despite funding challenges, TCUs are leading the nation in preparing AI/AN nurses and more recently, in preparing teachers for our Native schools. For example, in 2014, half of all AI/AN special education teachers in Montana graduated from Salish Kootenai College. TCUs train other professionals in high-demand fields, including agriculture and natural resources management, human services, IT technicians, and build tradesmen. By teaching the job skills most in demand on our reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities, and the nation as a whole. But that is not enough. TCU leadership understand that we must do more – we must move beyond simple workforce training. Today, TCUs are tackling the tougher – but much more significant – issue of job creation because we know that to break the cycle of generational poverty and end the culture of dependency that grips so much of Indian Country, simply filling jobs that would be filled anyway is not enough. We must create new industries, new businesses, and a culture of self-sufficiency and innovation. Our job creation initiative is focusing initially on advanced manufacturing, through a partnership with the U.S. Department of Energy, National Laboratories, TCUs, and industry.

Tribal Colleges continually seek to instill a sense of hope and identity within Native youth, who one day will lead our tribal nations. Unfortunately, the high school drop-out rate for Native students remains around 50 percent. To help address this alarming reality, TCUs are partnering with the Department of the Interior's Bureau of Indian Education to help create a lasting “college going culture” in Indian middle and high schools. TCUs are reaching back to create a bridge for Indian students as early as the elementary school, encouraging them to abandon any notion of dropping out of high school and instead, to think that the natural course is to finish high school and go on to the local TCU. In addition, TCUs offer Dual Credit courses for high school students, provide math teachers for local high schools as a strategy for improving

course delivery, host Saturday academies, after school programs and summer camps for middle and high school students, and at the other end of the spectrum, they offer GED training and testing.

As noted earlier, the TCUs' operations funding is insufficient, and their budgets are further disadvantaged because, on per student basis, the colleges receive funding for only about 85 percent of their academic enrollments. Approximately 15 percent of the TCUs' collective enrollments are non-Indian students living in the local community, but TCUs receive federal funding based only on Indian students, defined as members of a federally recognized tribe or the biological children of enrolled tribal members. While many TCUs do seek funding from their respective state legislatures for their non-Indian, state-resident students (often referred to as "non-beneficiary" students) successes have been, at best, inconsistent. Given their locations, often hundreds of miles from another postsecondary institution, TCUs are open to all students, Indian and non-Indian, believing that education in general, and postsecondary education in particular, is a catalyst to a better economic future for their areas.

A recent independent, economic impact study proves this, illustrating that TCUs create lasting value from multiple perspectives: students, society, and taxpayers. TCUs elevate their students' lifetime incomes, and this in turn benefits society as a whole by increasing the region's economy and generating a wide array of savings through improved lifestyles. The increased employment benefits taxpayers through increased tax receipts and a reduction in the need for welfare and unemployment benefits. In fact, for every dollar spent the lifetime income of students more than quadruples; society gains over five times the investment in added income and social savings; and the taxpayers get back almost two and a half times the investment. In short, the TCUs are a very sound investment of federal funds.

### III. FURTHER JUSTIFICATIONS & FACTS

- **Breaking the cycle of generational poverty:** Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the nation's most rural and economically depressed areas. In fact, seven of the nation's 10 poorest counties are home to a TCU.
- **Growing number of TCUs:** Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in TCUs have dramatically increased since they were first funded in 1981, appropriations have increased at a disproportionately low rate. Since 1981, the number of tribal colleges has more than quadrupled and continues to grow; the number of Indian students enrolled has risen over 300 percent. In the past 10 years, six additional TCUs have become accredited and eligible for funding under Title I of the Tribal College Act, and two more colleges are expected to be eligible for Tribal College Act funding as soon as FY 2018. While AIHEC celebrates the growing number of tribally chartered colleges and universities and the increasing numbers of Native students served, these successes have forced TCUs to function with smaller slices of an already inadequate annual funding pie.
- **Local Tax and Revenue Bases:** TCUs cannot rely on a local tax base for revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. As noted earlier, on Indian reservations that are home to TCUs, the unemployment rate can well exceed 70 percent. By contrast, the national unemployment rate is currently 4.9 percent.

- Gaming and the TCUs: Although several of the reservations served by TCUs have gaming operations, the vast majority are not mega-casinos located in urban areas and featured in the broad-based media. Only a handful of TCUs receive regular income from the chartering tribe's gaming revenue, and the amounts received can vary greatly from year to year. Most reservation casinos are small businesses that use their gaming revenue to improve the local standard of living and potentially diversify into other, more sustainable areas of economic development. In the interim, where relevant, local TCUs offer courses in casino management and hospitality services to formally train tribal members to work in their local tribally run casinos.

Some form of gaming is legalized in 48 states, but the federal government has not used the revenues generated from state gaming as a justification to decrease federal funding to other public colleges or universities. Some have suggested that those tribes that operate the few extremely successful and widely publicized casinos located in or near urban areas, should be financing higher education for all American Indians. And yet, no state is expected to share its gaming revenue with a less successful or non-gaming state.

#### **V. APPROPRIATIONS REQUEST FOR FY 2017**

As noted earlier, it has been over 35 years since the Tribal College Act was first funded, and the TCUs have yet to receive the Congressionally authorized per Indian student funding level. Full funding for the TCUs' institutional operating grants (\$8,000 per Indian student) for FY 2017 would require an increase of approximately \$19.4 million over the FY 2016 appropriated level. Additionally, to transition the three federally chartered TCUs to receive their operations funding on an academic schedule, rather than the federal fiscal year, requires a \$19.9 million ONE-TIME appropriations (IAIA- \$5.1 million; Haskell Indian Nations University and Southwestern Indian Polytechnic Institute - \$14.8 million).

#### **VI. CONCLUSION**

AIHEC Member institutions/Tribal Colleges and Universities provide quality higher education to thousands of American Indians and other reservation residents, as well as essential community programs and services to those who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your thoughtful consideration of our FY 2017 appropriations requests.

Mr. SIMPSON. Thank you, Carrie.  
Lawrence.

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THURSDAY, MARCH 17, 2016.

## INSTITUTE OF AMERICAN INDIAN ARTS

### WITNESS

#### LAWRENCE MIRABAL, CHIEF FINANCIAL OFFICER, INSTITUTE OF AMERICAN INDIAN ARTS

Mr. MIRABAL. Good afternoon, Mr. Chairman, and subcommittee members. My name is Lawrence Mirabal, and I'm the chief financial officer for the Institute of American Indian Arts. I'm here on behalf of some of the most engaging and talented young artists our country has to offer. Thank you for the opportunity to testify here today.

The story of IAIA is a most unique and special tale of perseverance, talent, and making the most of opportunities. We're located in Santa Fe, New Mexico, and as many of you know, we are the birthplace of contemporary native art. We were congressionally chartered as an independent college in 1986. We are one of only three congressionally chartered colleges in the United States, and the only one that is native serving.

We offer associates degrees, bachelor's degrees, and in 2013 began offering our first master's program in creative writing. We currently serve over 600 students representing more than 70 tribes from across the country and all over North America. I want to express gratitude to this subcommittee for its support of the college in Fiscal Year 2016, and especially the \$2 million in partial funding.

When we made our request for Fiscal Year 2016, we cited very specific initiatives and programs that could be sustained and enhance by supporting the request. As I sit here today, I'm very proud to report to you that because of your support, we've delivered on every point. These included the continued funding of key positions within our academic division, offering a modest cost of living increase to our employees, continuing to sustain and expand our master's program, and accommodating a quickly growing enrollment that is at historic highs. This translates into more native students attending and graduating from college.

It should also be noted that our charter encourages us to raise external funds to augment our core congressional funding. We take this charge very seriously and work hard to accomplish this. In the last 6 Fiscal Years, IAIA has raised approximately \$58 million from external sources. This augments the \$61.4 million that the college has received in Federal core funding over that same period.

For Fiscal Year 2017, the Administration is requesting \$11.835 million, which represents \$216,000 in additional core funding, along with \$2 million in forward funding. This request will allow us to sustain and expand on our mission in several key ways. These include continuing to expand college readiness efforts through our Summer Bridge Program, ensuring adequate resources for our rapidly growing enrollment, and sustaining and expanding the college's recently reintroduced Performing Arts Program. As

the only program in the country focusing on the performing arts from an indigenous perspective, this is not only a very exciting program, but one of great significance to native communities and to the country as a whole.

I would again call special attention to an important component of the Administration's Fiscal Year 2017 request. This is the request for \$2 million in forward funding. IAIA is currently only 1 of 3 of the 37 tribal colleges that does not receive full forward funding. Because of incongruence between the Federal Fiscal Year and the traditional academic year, forward funding is key to helping institutions ramp up for the fall semester. Additionally, forward funding helps to provide tribal colleges with some certainty during periods of prolonged continuing resolutions or the threat of government shutdown. When charge with the responsibility of caring for the wellbeing of hundreds of students on our campus, this is essential. We're especially appreciative of this committee's careful consideration of this request.

I want to thank you once again for your past support and for your consideration of the Fiscal Year 2017 request. Please know that the support this committee has provided in the past is directly responsible for countless success stories and for enabling our students overcome some extraordinary odds to achieve the dream of a college education. Your work here matters. It means a great deal to all of us at IAIA.

I want to invite all of you to come visit on our campus and see our talented students firsthand while attending our spring commencement ceremony. It'll be on May 14th at 11:00 a.m., and having you there would be a tremendous honor, and would greatly enhance our event.

I thank you for the opportunity to testify here today.

[The information follows:]



**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**TESTIMONY OF:  
LAWRENCE MIRABAL, CHIEF FINANCIAL OFFICER  
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE  
CULTURE AND ARTS DEVELOPMENT**

**March 17, 2016**

**Introduction**

Good afternoon Mr. Chairman and Subcommittee members, my name is Lawrence Mirabal, and I am the Chief Financial Officer for the Institute of American Indian Arts in Santa Fe, New Mexico. I am grateful for the opportunity to present this testimony on behalf of the college: for clarification, our official name is the Institute of American Indian and Alaska Native Culture and Arts Development (IAIA). IAIA was established in 1962 as the only Bureau of Indian Affairs boarding school teaching arts and culture. IAIA is the birthplace of contemporary Native art.

In 1986, IAIA became an independent college chartered by the United States Congress to empower creativity in leadership in Native arts and culture. The enabling legislation states that Native arts and cultures are Indigenous to the United States and thus must be enthusiastically maintained and supported so that they are not lost for future generations. IAIA is only one of three schools in the United States chartered directly by the Congress. The other two are Gallaudet University and Howard University, located in the District of Columbia. The power and uniqueness of IAIA's mission is undeniable, and makes it readily apparent that the college truly is a national treasure.

IAIA's congressional non-profit charter encourages IAIA to raise funds from private sources while authorizing basic, core funding from the Congress. Over the course of 30 years, IAIA has taken this charge to raise private funds very seriously. In the past six fiscal years we have raised approximately \$58 million in funds from external sources—augmenting the \$61.4 million we have received in federal core funding. It is our intention to maintain, if not exceed, that level of external fund raising in the future. Building on its past fundraising success, IAIA has recently launched its second large-scale capital campaign. The campaign's focus is completing the construction of a new multi-purpose Fitness & Performing Arts Center, on the IAIA campus. The campaign will seek to raise \$4 million from private donors, to augment another \$5.5 million that will

be raised from federal agencies, the State of New Mexico, and other competitive grant sources. While promoting fitness and wellness for students, the new facility will also house the only program of its kind in the country, focusing on the performing arts from an indigenous perspective.

### **Program and Campus Development**

IAIA has evolved from a high school its early years to a college offering bachelor's programs in Studio Arts, Cinematic Arts and Technology, Creative Writing, Museum Studies and Indigenous Liberal Studies. In 2013, IAIA began offering its first graduate program, an MFA in Creative Writing. Most recently, IAIA has re-introduced its performing arts program. As the only curriculum in the country focusing on performing arts from an indigenous perspective, it has been met with a very positive response. IAIA currently serves more than 600 students representing over 70 tribal nations from across North America.

IAIA is unique in that it is accredited by two organizations – the Higher Learning Commission of the North Central Association, and by the National Association of Schools of Art and Design. We are proud of our dual accreditation and work hard to maintain it.

### **FY 16 Budget**

I express appreciation to the Subcommittee for your strong, consistent support for our core funding request throughout the FY 2016 appropriations process. IAIA's FY 2016 appropriation of \$11,619,000 represents a \$150,000 increase in core operations funding over the amount received in FY 2015. This increase has allowed us to sustain and expand our successful Summer Bridge Program, preserve our recently restored counselor position, continue growing our MFA program, and offer a modest 1.3% cost of living increase to our valued employees.

In addition to the increase in base funding, the appropriation also included \$2M in forward funding for the first time in the college's history. Forward funding helps the college better align its funding with the increased expenses associated with ramping up for the academic year, which begins in August. Additionally, this forward funding amount provides a small measure of predictability, in the event of funding disruptions, such as government shutdowns or prolonged continuing resolutions.

### **FY 17 Budget Request**

On behalf of the IAIA faculty, staff and students, I request the Subcommittee's support for the Administration's FY '17 budget request of \$11,835,070 for IAIA. This budget request includes \$9,835,070 for core operations representing a small increase of \$216,070 over the amount enacted in FY 2016. The requested FY 2017 baseline federal funding will assist IAIA in addressing the following priorities:

- ❑ IAIA is in a period of unprecedented student body growth, with over 600 students enrolled for the spring 2016 semester. This is more than double the number of students at the college less than a decade ago. With enrollments generally decreasing at colleges across the country, IAIA continues to be a very attractive choice for students interested in a world-class contemporary Native arts education at a very reasonable cost.
- ❑ IAIA has added more than 75,000 square feet of operating space with three new campus buildings constructed in the last 6 years. Although these are green buildings (LEED designed), energy and maintenance costs have continued to increase.
- ❑ IAIA is committed to sustaining and expanding the recently implemented Summer Bridge program, maximizing use of IAIA's state-of-the-art facilities and equipment programs that provides a very unique college experience to high school seniors during the summer months.
- ❑ The performing arts program has been reintroduced after being eliminated in the 1990s due to deep cuts in IAIA's budget. Currently, the Chair of Performing Arts is the only full-time faculty member for this growing program and one additional faculty member is needed for the next fiscal year.
- ❑ Sustaining the recently restored counselor position in student support services is essential to maximizing our chances for student success.
- ❑ Adequately funding and expanding IAIA's first graduate program in Creative Writing continues to be a priority for the college. This program has proven to be extremely successful but will require additional funding to ensure long-term growth.
- ❑ Providing a meaningful faculty and staff cost-of-living salary adjustment is key to recruiting and retaining the best possible employees for IAIA. In addition, IAIA continues to absorb fixed cost increases associated with worker's comp, retirement, health insurance and unemployment benefits.

### **Forward Funding**

The Administration's request also includes an additional \$2M in forward funding for IAIA. Forward funding brings the college's funding cycle into closer alignment with the additional expenses that are incurred in ramping up for the beginning of the academic year. Furthermore, the uncertainty caused by prolonged continuing resolutions and federal government shutdowns can be partially mitigated by forward funding. Both scenarios can have a devastating effect on the morale of the faculty and staff, while seriously undermining opportunities for student success. It is difficult to operate a college when the funding level is not known until well into a given fiscal year.

IAIA is one of only three tribal colleges not receiving *full* forward funding. The Administration's request continues to move IAIA in that direction. The nation's other tribal colleges have received full forward funding (at least 75% of their yearly baseline funding) for the past three years. Forward funding has helped our sister tribal colleges (which are funded under different authorizing legislation from us) by providing greater predictability and timeliness in receiving their core funding and aligned their budgets with the academic calendar rather than the federal fiscal year. Forward funding certainly would have the same positive impacts for IAIA. As you know, forward funding is not new funding but is rather an advance of funding for the subsequent year.

### **Conclusion**

In summary, IAIA's top priority is to enhance our ability to accomplish our mission of empowering creativity and leadership in Native arts and cultures, through higher education, lifelong learning, and outreach. In order to continue this important work, I respectfully request that the Subcommittee act again in FY 2017 as you did in FY 2016 by supporting the Administration's request for IAIA of \$11,835,070 in the Independent Agencies title of your bill. This amount includes \$9,835,070 for core operations and \$2 million in forward funding, which will move IAIA closer to being on an equal footing with other tribal colleges and assist in stabilizing all aspects of our operations to better serve students. Again, we greatly appreciate your consideration.

This concludes my testimony. I again thank the Chairman and the Committee members for the opportunity to speak on behalf of IAIA. I also want to take this opportunity to invite you to visit us in Santa Fe to meet our creative and talented students and to tour our beautiful campus and state-of-the-art facilities. IAIA's 2016 commencement ceremonies are scheduled for 11:00 A.M., on Saturday, May 14<sup>th</sup>. On behalf of our graduating students, I want to extend an invitation to all of you to attend. Your presence would honor our graduates and greatly enhance this special day. I would be pleased to respond to any questions that you may have.

Mr. SIMPSON. Thank you.  
Leander.

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THURSDAY, MARCH 17, 2016.

**UNITED TRIBES TECHNICAL COLLEGE**

**WITNESS**

**LEANDER "RUSS" MCDONALD, PRESIDENT, UNITED TRIBES TECHNICAL COLLEGE**

Mr. MCDONALD. Mr. Chairman, committee members, I want to thank you for allowing us to present these issues from our tribal colleges and also from AIHEC. My name is Leander "Russ" McDonald. I'm an enrolled member of the Spirit Lake Nation located in Fort Totten, North Dakota. I'm an enrolled member there. I'm currently the president of United Tribes Technical College.

United Tribes Technical College—

Mr. SIMPSON. Could you pull the microphone closer?

Mr. MCDONALD [continuing]. Has for 47 years and with the most basic of funding provided post-secondary and career technical education and family services to some of the most impoverished, high-risk Indian students from throughout the Nation. Despite such challenges, we have consistently had excellent retention and placement rates, and are fully accredited by the Higher Learning Commission. Our written testimony contains more details on this.

We are not part of the North Dakota University system and do not have a tax piece or State appropriated funds on which to rely.

First of all, we want to thank you for placing the Tribal Technical Colleges account that provides core operational funds to our institution and Navajo Technical University on a forward funded basis as of Fiscal Year 2016. We also support your interest in providing forward funding for the three remaining colleges who are not yet forward funded.

Next, in the length of time to achieve forward funding for United Tribes and Navajo Technical University, and the fact that three Indian higher education institutions are still not forward funded highlights the carefulness with which tribal college references need to be made. We are authorized under differing titles of the tribally controlled Colleges Act and Universities Act, and then there are other statutory authorities for the three institutions administered through the Bureau of Indian Education.

Regarding our BIE base funding, we request \$11 million for the Tribal Technical Colleges line item. UTTC administers our BIA fund and our Indian Self-Determination and Education Assistance Act agreement and has done so for 39 years.

We appreciate that the Administration has requested a \$500,000 increase for Tribal Technical Colleges, but our need far exceeds that amount. The UTTC portion of the Tribal Technical Colleges line item should be \$6.8 million based on the \$11 appropriation. Acquisition of additional base funding is critical as we struggle to maintain educational services at the same level as our State counterparts. Our BIE funding provides a base level of support while allowing us to compete for desperately needed discretionary contracts and grants.

Very little of our other funds can be used for core career and technical education programs that are competitive, while often one-time funds that help us provide supportive services, but cannot replace core operational funding.

With regard to contract support costs, we thank the subcommittee and the Administration for the recognition of the legal obligation the Federal government has to pay tribal contractors their full contract support costs. This has been an enormously important development for Indian tribes. We join with other in Indian Country in supporting a long-term legislative solution that will provide full and permanent funding for contract support costs.

We also support full funding for tribal grant support costs for K through 12 tribal area operated schools. We have a BIE-funded elementary school on our campus, Theodore Jamison Elementary School. So many of our college students and their children attend on our campus at the same time. For these elementary schools, tribal grant support costs are the equivalent of contract support costs for tribes, although authorized under different statutory authorities.

We thank you for providing what is estimated to be full funding for tribal grant support costs for Fiscal Years 2016, and we support the Administration's Fiscal Year 2017 request of \$75.3 estimated to be full funding.

Finally, we continue to work for the establishment of a Northern Plains Indian law enforcement academy. We again ask Congress to seriously look at the problem of adjusting crime in Indian Country with an eye toward the establishment of a campus-based academy for training of law enforcement officers at UTTC. We ask that you direct the Secretary of Interior and the Bureau of Indian Affairs to work with the Northern Plains tribes and others on the timely development of a plan for the establishment of an academy to better serve the tribes residing in the northern tier of the United States. This is support of the resolution of Great Plains Tribal Chairmen Association.

The need is critical and continues to grow with the methamphetamine, opioid, and heroin crises, and the resulting social ills from these epidemics. North Dakota and other northern regions have special problems relating to drugs and human trafficking. The UTTC criminal justice program offers 2- and 4-year degrees and prepares graduates for employment as Federal, State, or Tribal law enforcement officers and law enforcement support personnel. A pre-law program is currently in development to address the shortage of law training personnel within tribal judicial systems.

An academy at UTTC would allow tribal people in the Great Plains and other nearby regions a more affordable choice for training locations while minimizing the distance and long separation of trainees from their families.

The Fiscal Year 2017 Indian Affairs budget notes that training initiatives for the Indian police academy include development of pre-academy training program for candidates, developing a third level mid-level training program, and establishing an online distance learning program for recertification, among other things. These are things that we could do as part of an academy at UTTC.

BIE funds represent over half of our core operating budget. The Perkins funds supplement, but do not duplicate the BIE funds. Both sources of funding are necessary to the frugal maintenance of our institution. We actively seek alternative funding to assist with academic programs, deferred maintenance, and scholarship assistance, among other things. The need for career and technical education is so great and the funding so small that there's little chance for duplicative funding.

We know members of the subcommittee have made a point to visit place in Indian Country, and we would love to be able to arrange for your to visit United Tribes Technical College. Thank you for your consideration of our request for all my relatives.

[The information follows:]

**UNITED TRIBES TECHNICAL COLLEGE**

3315 University Drive, Bismarck, North Dakota 58504  
Leander "Russ" McDonald, PhD, President, 701-255-3285

Testimony for the House and Senate Interior, Environment and Related Agencies  
Appropriations Subcommittees on FY 2017 Indian Affairs Budget  
March 17, 2016

United Tribes Technical College (UTTC) has for 47 years, and with the most basic of funding, provided postsecondary career and technical education and family services to some of the most impoverished high risk Indian students from throughout the Nation. Despite such challenges we have consistently had excellent retention and placement rates and are a fully accredited by the Higher Learning Commission (HLC). We are proud to be preparing our students to participate in the energy economy in North Dakota and to be part of building a strong middle class in Indian Country by training the next generation of law enforcement officers, educators, medical providers, and administrators. We are governed by the five tribes located wholly or in part in North Dakota. *We are not part of the North Dakota University System and do not have a tax base or state-appropriated funds on which to rely.* The funding requests of the UTTC Board for FY 2017 Bureau of Indian Education (BIE)/Bureau of Indian Affairs (BIA) are:

- *\$11 million for the line item, Tribal Technical Colleges, which is \$3.6 million over the Administration's request. Of this amount, \$6.8 million is BIE funding for our Indian Self-Determination Act contract.*
- *Place Contract Supports Costs on a permanent, full, mandatory-funded basis.*
- *Provide full funding for Tribal Grant Support Costs for tribally-operated elementary/secondary schools.*
- *Establishment of a tribally-administered Northern Plains law enforcement training center at UTTC.*

*First of all, we thank you for placing the Tribal Technical Colleges account that provides core operational funds to our institution and Navajo Technical University (NTU) on a forward funded basis as of fiscal year 2016. We also support your interest in providing forward funding for the three remaining colleges who not yet forward funded: Haskell Indian Nations University, Southwestern Indian Polytechnic Institute, and the Institute of American Indian Arts.*

The extended length of time to achieve forward funding for UTTC and NTU and the fact that three Indian higher education institutions are still not forward funded highlights the carefulness with which tribal college references need to be made. We are authorized under differing titles of the Tribally Controlled Colleges and Universities Act and then there are other statutory authorities for the three institutions administered through the Bureau of Indian Education.

*Base Funding.* UTTC administers our BIE funding under an Indian Self-Determination and Education Assistance Act agreement, and has done so for 39 years. We appreciate that the Administration is requesting a \$500,000 increase for Tribal Technical Colleges, but our need far

exceeds that amount. The UTTC portion of the Tribal Technical Colleges line item should be \$6.8 million based on an \$11 million appropriation.

Acquisition of additional base funding is critical. We struggle to maintain course offerings and services to adequately provide educational services at the same level as our state counterparts. Our BIE funding provides a base level of support while allowing us to compete for desperately needed discretionary contracts and grants. Very little of our other funds can be used for core career and technical educational programs; they are competitive, often one-time funds that help us provide support services but cannot replace core operational funding.

We highlight several relatively recent updates of our curricula to meet job market needs. Indeed, the ramifications of the North Dakota Bakken oil boom are apparent as we have seen faculty and students leave education in pursuit of jobs in the Bakken region. At the certificate level, we saw the need for more certified welders in relation to the oil boom and expanded our certified welding program in response to the workforce need. We are now able to train students for good paying in-demand welding employment with a focus on career rather than just a job. And we recently received HLC approval to offer a Bachelor's Degree in Environmental Science that will provide experiential research opportunities for our students.

*Funding for United Tribes Technical College is a good investment. We have:*

- Renewed unrestricted accreditation from the Higher Learning Commission for July 2011 through 2021, with authority to offer all of our full programs on-line. We offer 16 Associate degrees, 5 Certificates, and 3 Bachelor degree programs of study (Criminal Justice; Elementary Education; Business Administration). Six of the programs are offered online.
- Services including a Child Development Center, family literacy program, wellness center, area transportation, K-6 elementary school, tutoring, counseling, family and single student housing, and campus security.
- A projected return on federal investment of 20-1 (2005 study).
- A semester retention rate of 58% and a graduate placement rate of 82%.
- Students from 37 tribes represented; 67% of our undergraduate students receive Pell Grants.
- An unduplicated count of 536 undergraduate degree-seeking students: 828 continuing education students; and 24 dual credit enrollment students for a total of 1,283 students for 2014-2015.
- A dual-enrollment program targeting junior and senior high school students, providing them an introduction to college life and offering high school and college credits.
- A critical role in the regional economy. Our presence brings at least \$34 million annually to the economy of the Bismarck region. A North Dakota State University study reports that the five tribal colleges in North Dakota made a direct and secondary economic contribution to the state of \$181,933,000 in 2012.

*Contract Support Costs.* As mentioned above, we administer our BIE funding through an Indian Self-Determination and Education Assistance Act contract, and thus Contract Support Costs (CSC) are vital to us. We thank this Subcommittee and the Administration for the recognition of the legal obligation the federal government has to pay tribal contractors their full CSC. This has been an enormously important development for Indian tribes. We appreciate that the FY 2016 appropriations act places Contract Support Costs for both the BIA and the Indian Health Service (IHS) in their own accounts and is funded at an indefinite amount, thus assuring full funding. That circumstance applies only to the FY 2016 appropriations and we join with others in Indian Country in supporting a long-term legislative solution that will provide full and permanent funding for Contract Support Costs. Placing CSC funding on a mandatory basis is the logical resolution to a long-term solution for CSC that will also protect the programs funded on a discretionary basis in the BIA and IHS budgets.

*Tribal Grant Support Costs for K-12 Tribally-Operated Schools.* We have a BIE-funded elementary school on our campus, the Theodore Jamerson Elementary School, and thus many of our college students and their children attend school on the same campus. For these elementary schools, Tribal Grant Support Costs are the equivalent of Contract Support Costs for tribes although authorized under different statutory authorities. We thank you for providing what is estimated to be full funding for Tribal Grant Support Costs in FY 2016 (\$73.3 million), and we support the Administration's FY 2017 request of \$75.3 million, estimated to be full funding.

*A Northern Plains Indian Law Enforcement Academy.* We again ask Congress to seriously look at the problem of addressing crime in Indian Country with an eye toward the establishment of a campus-based academy for training of law enforcement officers at UTTC. We ask that you direct the Secretary of Interior and the Bureau of Indian Affairs to work with the Northern Plains tribes and others on the timely development of a plan for the establishment of an academy to better serve the tribes residing in the Northern tier of the United States.

Establishment of such an academy at UTTC continues to be strongly supported by the Great Plains Tribal Chairman's Association (GPTCA) via Resolution 5-1-20-16. The Resolution requests that the Secretary of Interior and the BIA consult with the tribes on the details of a plan for establishment of the Academy. Cultural and legal differences further support why such training should be tribally-directed in order to be appropriate for the realities of tribal communities within different parts of the Indian Country. The need is critical and continues to grow with the methamphetamine, opioid and heroin crises and the resulting social ills from these epidemics. North Dakota and other northern border regions have special problems relating to drug and human trafficking. Additionally, the expanded tribal authorities under the Tribal Law and Order Act and the Violence Against Women Act only further the importance of trained law enforcement officers within our tribal communities. State and national training resources would have an important role in this new endeavor.

The UTTC Criminal Justice program currently offers two- and four-year degrees, and prepares graduates for employment as federal, state or tribal law enforcement, correction, parole and probation, and transportation safety officers; victim advocates; U.S. Customs, Homeland Security, and Military Investigative services; and private security agents. A pre-law program is currently in development to address the shortage of law trained personnel within tribal judicial systems. We want to expand our endeavors to help meet law enforcement needs in Indian

Country. Given our Criminal Justice program, our location and our campus resources, we propose the establishment of a Northern Plains Indian Law Enforcement Academy.

Basic law enforcement training is currently provided through the BIA's Indian Police Academy in Artesia, New Mexico, which often has waiting lists. The BIA is depending on the basic training provided by state academies to supplement what is provided at Artesia. UTTC is well positioned with regard to providing both basic and supplemental law enforcement training. An academy at UTTC would allow tribal people in the Great Plains and other nearby regions a more affordable choice for training locations while minimizing the distance and long separation of trainees from their families.

The FY 2017 Indian Affairs budget (p. IA-PSJ-12) notes that training initiatives for the Indian Police Academy include developing a pre-Academy training program for candidates; developing a mid-level manager training program; and establishing an on-line distance learning program for recertification, among other things. These are things that we could do as part of an academy at UTTC or in partnership with the Indian Police Academy.

In short, the BIA should be utilizing and enhancing the resources of UTTC to make a real difference in the law enforcement capability in Indian Country. We can offer college credit to trainees, and our facilities include the use of a state-of-the-art crime scene simulator. Maintaining safe communities is a critical component of economic development for our Tribal Nations, and local control of law enforcement training resources is a key part of that effort.

*The Duplication or Overlapping Issue.* As you know in March 2011, the Government Accountability Office issued two reports regarding federal programs which may have similar or overlapping services or objectives (GAO-11-474R and GAO-11-318SP). Funding from the BIE and the DOE's Carl Perkins Act for Tribally Controlled Postsecondary Career and Technical Education were among the programs listed in the reports. *The full GAO report did not recommend defunding these programs; rather, it posed the possibility of consolidation of these programs to save administrative costs.* We are not in disagreement about possible consolidation of our funding sources, as long as program funds are not cut.

BIE funds represent over half of our core operating budget. The Perkins funds supplement, but do not duplicate, the BIE funds. *Both sources of funding are necessary to the frugal maintenance of our institution.* We actively seek alternative funding to assist with academic programming, deferred maintenance, and scholarship assistance, among other things. The need for career and technical education in Indian Country is so great and the funding so small that there is little chance for duplicative funding. There are only two institutions targeting American Indian/Alaska Native career and technical education and training at the postsecondary level—UTTC and NTU. Combined, these institutions received only \$15.1 million in FY 2016 federal operational funds (\$8.2 million from Perkins; \$6.9 million from the BIE). That is not an excessive amount for two campus-based institutions who offer a broad array of programs geared toward the educational and cultural needs of their students and who teach job-producing skills.

We know members of this Subcommittee have made a point to visit places in Indian Country and we would love to be able to arrange for you to visit United Tribes Technical College. Thank you for your consideration of our requests. *Mitakuye Owasin* (All my relatives)

Mr. SIMPSON. Thank you, Leander. Thank you all for your testimony. As I understand it, the Interior Tribal Budget Advisory Committee's number one priority is higher education, and we hear what you are saying. And it has always been a priority of this subcommittee as we try to address many of the needs out there in Indian Country.

But I particularly liked the stories that you told me of the individuals because, that is really what it gets down to is the individuals that you affect and the lives that you affect with individuals. So I appreciate those, and thank you for coming to give your testimony today.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I have a couple of questions. I will just put them out there, and then you respond however you want.

You talked about your Summer Bridge Program. We know lots of times high school students think they are going to live forever. They do not pay attention to school. They think they can sleep with a book, you know, the night before the test. I used to teach high school, so I know these things [Laughter.]

Mr. MIRABAL. We were not fooling you?

Ms. MCCOLLUM. No. [Laughter.]

Then all of a sudden one day they wake up and they are bright, and they are excited about an opportunity. But sometimes that requires taking more math, more writing classes. They accelerate in these classes very fast usually because they are extraordinarily highly motivated.

Could you tell me a little bit about what you are doing—maybe with GED courses or alternatives in high school—to help some of those students you have who walk on to campus? They are just almost ready, but need a little more preparation and you can see the light in their eyes.

And you have a lot of students, you said 37 tribes?

VOICE. 70.

Ms. MCCOLLUM. You have over 70. So you must draw a lot of out of state enrollment. That probably comes with some extra challenges for housing that you have to help with for these students.

And last but not least, are your students eligible for any State aid because you are tribal college based? I will use Minnesota for an example. I have to find out what they do in Leech Lake or in Fond du Lac. I really do not know. I am asking a question that I also need to get the answer for the Midwest area schools.

In Minnesota, there is State aid for tuition at State schools if you qualify for Pell Grants. We still provide for some of the private colleges. Some of you are federally chartered. You are federally supported. How does that work for you? Is Pell Grants the only option, or if a student is in state, does the State help the students at all?

That is all I have.

Mr. MIRABAL. I can start by speaking, going back to the college readiness piece. As the father of a boy that is in high school and a wife that is a teacher, I get what you are saying. Really our approach is two-pronged. So we have the Summer Bridge Program, which right now is more of an immersive experience to get them ready for college campus and college life. The vast majority of our

students are first generation attendees, so just getting them onto a college campus a long ways from home is a victory.

And what we would like to do is expand that into picking up some more of the gen ed courses, and making that time having really two purposes: exposing them college curriculum, college life in a brief snapshot, and then knocking out some of these gen ed pieces that will get them ready for true freshman year.

The second piece we already have in place. And what we did is we created a one-stop-shop. A lot of colleges are going to this, a student success center. And so, the student goes there for their financial aid needs, their student account needs, and they are also assessed there. And based on that assessment, they are assigned tutors and go to what we call a learning lab. And within that area, they receive focused attention, whether it is within, you know, science, math, English, to quickly get them up to speed and prepared to succeed by the time they begin or soon after they begin the curriculum there at the college.

We find that a lot of the incoming students, especially from Indian Country are just not really coming in the way you see a typical 12th grader or a finishing 12th grade graduate come in. They are coming in at a level quite a bit below that. So it is incumbent upon us to catch that up.

Ms. BILLY. I will just mention two things. All the tribal colleges have the Bridge Program. Some are academies, Saturday academies, those kinds of things with their local high school. All of them offer dual credit programs, so they are working really closely with the BIE and public schools, tribal schools in their area to provide dual credit to try to encourage students to stay in school.

You know, most tribal students drop out of high school in 11th and 12th grade, about 80 percent in 11th and 12th, or 90 percent if you go down to 10th grade. So they are trying to keep them with the dual credit programs. We also have a new partnership with the BIE, which is really exciting because we have not always had the best working relationship with them. But this is a college bound partnership.

So the BIE has awarded small grants to tribal colleges that have BIE schools near them so they can do a whole range of activities with the high school and middle school students to encourage them to stay in school, teaching them about college so they will go to college and that sort of thing, and then also providing academic instruction. Some of our schools even take the math instructors from the tribal college and put them in the local high schools to try to raise the teaching of math in the local schools because it is just our students, 70 percent of them need remedial math, so to try to raise the level. They are doing everything they can.

More colleges are also hosting high schools and middle schools on their campus, and elementary schools, immersion schools, and other schools, so the students have a seamless track into high school. Then on the other end of the spectrum, very involved in GED training. The tribal colleges get very, very little funding for GED because it is all a State block grant in the Department of Ed.

So they are doing it using their operating funding, and it is really difficult, but they have got to do it because so many American

Indians are dropping out of high school. And they are committed to changing the face of Indian Country.

Mr. McDONALD. Yeah, we are doing a lot of the same thing that IAIA is doing as far as the one-stop-shop, and we are success at that. And I have been at United Tribes for about 16 months now, and some of these are just coming about in regard to development implementation. But we are seeing good work come out of that already.

The other part is the dual credit piece. We are working with the surround area high schools and tribal high schools within the Great Plains region for students to come to school with us. So they are coming to us presenting on campus prepared for our school. The other part is that in regard to those that are presenting that are not ready for college, there is a need for development courses, you know, that sometimes can take a semester, maybe a semester and a half in order to get them up to speed. So those are things and issues that kind of prolong and kind of decrease the graduation rates as we look at the outcomes piece of this work.

The question with regarding to housing, I think that is important, especially in the Bismarck area. What happened there, housing prices itself increased. Rental costs went up. And so, we do not have enough housing on campus. We do provide housing on campus, but we have a waiting that is very long for that, for those students who have children. At the same time, we are recruiting out there in regard to the new graduates to try to fill up our dorms. But for the students that are having to go off campus, they are paying anywhere from \$1,100 to \$1,400 for a two-bedroom apartment.

And so, how we are trying to do that on our campus is to build multifamily housing in partnership with the USDA, and make a loan to them, and then revenue generated from that rent will help to pay that loan back. And so, there are some strategies that we are implementing in order to fix that.

And in regard to the question about State scholarships, we are eligible. The tribal nations or students that are residents of North Dakota are eligible for the State scholarships, so those that present from outside of the State are not.

Ms. MCCOLLUM. Thank you.

Mr. SIMPSON. Mr. Cole.

Mr. COLE. Well, first, thank all of you for what you do. It is not much more important to us in Indian Country than closing this gap between college educated and other ethnicities and races and American Indians. So you are doing the Lord's work, to say the least.

I have both a point to make and then a question to ask, and it might even be more appropriately directed to staff. We have a difficulty here in the sense that, while you are talking about what the President has proposed, he has also proposed funding a lot of this stuff with mandatory money which we actually have the jurisdiction over. So strangely enough, when you are quoting him, he has got a bigger pot of money than this committee actually technically can do, so we will end up having to cut some things. And I am not suggesting at all that this should be it. Quite the opposite, I would

be on the opposite side of that argument, but it is going to create some real difficulty.

My question, and, Ms. Billy, you may be able to answer this better. And I should know this. I am embarrassed to have to ask you this question. We have got a pot of money here in Interior obviously where we do some things for tribal colleges. I know we have one in Labor/H, too, because we have historically black colleges. "Labor/H" is the shorthand around here for "Labor, Health, Health, and Human Services, and Education." It is a huge jurisdiction.

Most Indian money moves through here. We have over \$400,000 million in various Indian education programs, though, that move through that committee. And I know last year the Administration flat funded money for historically black colleges, Hispanic serving institutions, and tribal colleges. We have all three of those things here. We gave it about a 2 percent raise. We were able to kind of scrape around and find a little bit more money, and the tribal piece is fairly small as I recall. It is approximately \$25 million.

Can you tell me the difference between what that funds and how that stream of money flows in and helps versus these?

Ms. BILLY. That is the Title 3 program. The Title 3 program, you are right, it is funded around \$25, \$26 million for the discretionary portion. None of that money can be used for operating funding, so it is not the day-to-day operating. That is a stipulation in the law. They can use it for a lot of programs. They can use it for construction, so a lot of tribal colleges use that to help build part of their facilities. It is never enough to build a full building.

Mr. COLE. Right.

Ms. BILLY. So they cobble it together with other sources, but they use it for construction. They can use it to start new programs, but they cannot use it to sustain the program. So, say, they want to start a new degree program. They can use it for that, but then once the program is up and running, they cannot continue to use that money. So it has got to constantly be something new.

That program was created specifically for developing institutions, so helping them put the infrastructure in, like maybe starting an office of sponsored programs or something like that. But, again, you cannot use it for operating funding at all.

Mr. COLE. Really all about increasing capacity. It would be helpful if you have some thoughts on what a program like that could do, because the budget for the total committee, versus the budget for this committee, is so much bigger. And because it is \$25 million, you could increase it pretty substantially. I think we moved it from \$20 to \$25, so it actually got a big percentage increase, but it is not that much money, as you point out appropriately.

You know, that may be a place where it will not take care of the things you are addressing here, that we could do something, again, that would be helpful without it causing a problem. If you have some thoughts on that later, get them to our subcommittee or to me personally, or this guy back here especially. We will make him do the heavy lifting, because that is an area we might be able to do something in this year.

Ms. BILLY. Thank you. We will.

Mr. MIRABAL. Thank you.

Mr. McDONALD. Thank you.

Mr. SIMPSON. And he would know. He is the chairman of that subcommittee.

Ms. BILLY. We have ideas, so thank you.

Mr. COLE. Usually when you mention money, people do have ideas. [Laughter.]

Mr. SIMPSON. Ms. Pingree.

Ms. PINGREE. I am good. Thanks.

Mr. SIMPSON. Okay. Thank you all for being here today. We appreciate your testimony very much, on a very interesting subject, and one that we need to keep concentrating on because education is the key to the future and not just for all of us, but for the tribes also. So it is something this committee is going to be focused on.

Mr. MIRABAL. Thank you.

Ms. BILLY. Thank you.

Mr. SIMPSON. Thank you.

We now call Ahniwake Rose.

Ms. ROSE. Ahniwake.

Mr. SIMPSON. Okay, that was close.

Ms. ROSE. Very close.

Mr. SIMPSON. Kerry Venegas.

Ms. VENEGAS. Venegas.

Mr. SIMPSON. Venegas. See, I never know where the emphasis goes. Venegas, okay.

Ms. Rose, you are up first.

Ms. ROSE. Yes, sir.

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THURSDAY, MARCH 17, 2016.

## NATIONAL INDIAN EDUCATION ASSOCIATION

### WITNESS

**AHNIWAKE ROSE, EXECUTIVE DIRECTOR, NATIONAL INDIAN EDUCATION ASSOCIATION**

Ms. ROSE. First of all, I feel like everyone should stand up and take a deep breath, right? We're talking about Indian education, and that's the most important thing, so full attention.

But, Vice Chairman Simpson, Ms. McCollum, Mr. Cole, thank you so much, Ms. Pingree, for being here and for taking some time. The fact that you spend this long sitting and speaking with Indian Country is absolutely remarkable. And thank you just overall for that. I'm sure you've heard that from everybody coming in. So thank you so much for spending that time.

And, Mr. Cole, I actually want to specifically address something you said before I start about Labor/H. Please invite us to come and provide that testimony to Labor/H because we've never had the opportunity to come and talk about Indian education in front of the committee. We would love to have an opportunity.

Mr. COLE. We will do that. We cannot this year because the hearing schedule is done, but we brought up Indian health last year. But come by the office. Please do because, again, the President has some great Indian youth and education initiatives. We have pretty much funded what he has asked for. We want to figure out other ways to be helpful. So you do not have to wait for a com-

mittee hearing. Just call my office and come and talk to us. I know you have been there before.

Ms. ROSE. Yes, sir. Well, I heard the call for money, right, so we'll be there. [Laughter.]

Mr. COLE. Okay.

Ms. ROSE. But thank you.

Mr. COLE. Boy, I am going to regret that. [Laughter.]

Ms. ROSE. Luckily your audience is a little small, and we didn't tweet it just so you know. We stayed quiet. I'm bad about going off script, but I'm going to try to stick to some things.

So I'm with the National Indian Education Association, and NIEA represents and is inclusive of native education organizations. And our membership exists of tribal leaders, educators, students, researchers from across the United States, and that includes our native Hawaiian brothers and sisters. Our mission is to advance the comprehensive cultural-based education opportunities for all native youth advocacy, research, and capacity building.

The latest iteration of ESEA will drastically change education for over 50 million students, including native youth. The Every Student Succeeds Act marks a new era of State and local innovation to best support our students, and has received a tremendous amount of bipartisan support in Congress. And thank you very much for all of the work that I know you all did in helping us to get that passed.

As we celebrate the signing of the law, we must continue to shed light on the fact that native education continues to be in a state of emergency. As Secretary Jewell stated, "Indian education is an embarrassment to you and to us, and we know that self-determination and self-governance is going to play an important role in bringing that kind of academically rigorous and cultural appropriate education that our children need."

Although NIEA welcomes the renewed commitment to native education reflected in the Administration's budget, the Federal trust responsibility will continue to be undermined until the Federal government fully appropriates. The written testimony we submitted for the record provides a more complete view of our budget priorities, but I want to highlight four specific issues for you today.

First, construction. I know you've heard that, and you're going to hear that tomorrow when I saw our Navajo brothers and sisters will be in. We're going to continually ask for this to be full funded. We recognize that there's issues within the Administration, within BIE right now. If we could follow DoDEA's example of fully funding construction, and then we can ask the committee to then have a reshifted focus on renovation and repair dollars, I think it would really turn the corner on how we're thinking about our facilities.

And going completely off script, I would be very interested in working with the committee in thinking about new and innovative ways we can think about construction. Is there something that we can create, short-term loan programs, something innovative and creative that we can develop for our Indian schools specifically? NIEA is fully supportive of the proposal Interior to reinvigorate this nonprofit. I'd be happy to talk about that with you, any of you offline, but we think that there are some opportunities to create some pieces for that. So I'd throw out to the committee because I

absolutely think that there are some opportunities for us to do something.

I also want to highlight the \$25 million in broadband internet access. Unfortunately, less than 10 percent of Indian Country has access to broadband, and 60 percent of our schools don't have adequate digital broadband access or computer access to be aligned with college and career. So as we think about schools moving forward, and as you think about students continually being left behind, on top of facilities that frankly aren't ready to handle broadband, we're going to be looking at another generation of students that continue to fall behind because they won't have the basic research skills that they need when they enter college.

\$431 million for the Indian School Equalization Program, the basic ISEP formula. This is something that a lot of people don't draw attention to, but this is the day-to-day. This is the base curricula operations, and it's what our schools have to dip into all of the time just to be able to keep lights on because the other pieces aren't fully funded. So as you're thinking about all of the fun stuff, right, which is great—we really want the technology to be funded and the other pieces, contract support costs—please keep in mind this basic ISEP funds. These are the basic curricula teaching pieces that we really need for our students.

\$5 million for the BIE Immersion Demonstration Programs. This is something that would be a new specific line item request. The director has used it in the past through discretionary funds he has had to set up for \$3 million. The Department of Education, we just saw an immersion line established for the first time for immersion programs to be taught through ESA in our public schools. We would love to see that commitment for our languages within our BIE system. Please help us with this small line item increase to really show a commitment across the board, the importance.

And we know this isn't just important for native communities. I pick on my daughter oftentimes, and she hates the stories I tell about her. But in Washington, D.C., you know, you don't want into a class in the District without being infused with African American history and culture. Everything they do from kindergartners decorating, you know, their cereal boxes, or thinking about the literature that they read, it's infused with the way that those students know their culture, their heritage, their place, their space, and knowing their importance.

So what we're asking for is not unique to Indian Country. It's what communities across the country are recognizing. We just need some assistance in making sure that this happens within our schools. And for our school system, the BIE school system, to not have a line dedicated to that is shameful. So please help us to put this line here.

I also want to really thank this committee for reinstating the \$622,000 for the Juvenile Detention Education Grants. This was something that was long overdue, and we really appreciate the committee showing that for us last year, and we ask that you continue to keep that within the program.

In conclusion, I want to let you know that this is a great starting point. You know, the budget last year was fantastic. Thank you for that. Thank you for continuing to show this commitment to our

students across the board. But to continue to move forward this 21st century education model, to continue to see the successes that we saw in ESA and the authorization that we saw in ESA, we need to continue to build upon this.

We stand ready, and I know everyone that's here with you today stands ready to provide you those stories, those anecdotes, those powerful pieces that you need to make your case. And we look forward to working with you to make sure that that's done.

And I'd be happy to answer any questions. Thank you, sir.

[The information follows:]



**Testimony of the National Indian Education Association  
before the  
United States House of Representatives  
Committee on Appropriations, Subcommittee on Interior,  
Environment, and Related Agencies  
March 17, 2016**

**Introduction.** Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for this opportunity to provide testimony on behalf of the National Indian Education Association (NIEA). Founded in 1969, NIEA represents Native students, educators, families, communities, and tribes. NIEA's mission is to advance comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. As the premiere organization advocating for Native students, NIEA works to achieve education equity and excellence, to ensure all students are provided a high-quality academic and culture-based education.

**The State of Native Education.** The Elementary and Secondary Education Act of 1965 (ESEA) is the largest civil rights education law supporting low-income schools with the funding necessary to provide high-need students with access to an excellent education. With the recent reauthorization, the latest iteration of ESEA is now called the Every Student Succeeds Act (ESSA). The ESSA marks a new era of state and local innovation to best support our students and has received a tremendous amount of bipartisan support for Native education specifically. We commend Congress for its commitment to fulfilling its federal trust responsibility to Indian Country, and particularly the members of this Subcommittee for making sure Native education issues are always on the table.

As we celebrate the signing of the ESSA law, we must continue to shed light on the fact that Native education continues to be in a state of emergency. As Interior Secretary Sally Jewell has stated, "Indian education is an embarrassment to you and to us. We know that self-determination and self-governance is going to play an important role in bringing the kind of academically rigorous and culturally appropriate education that children need."<sup>1</sup> Students attending Bureau of Indian Education (BIE) funded schools experience some of the worst educational disparities across the country, even though the BIE is one of two education systems for which the federal government has direct responsibility.

In December 2015, the Department of Education's National Center for Education Statistics (NCES) released data that highlights the increasing graduation rate of U.S. high school students. Since states adopted a revised standard for calculating graduation rates five years ago, they have reached an all-time high with a graduation rate of 82 percent in 2013-14. Then, U.S. Secretary of Education, Arne Duncan, applauded this achievement and accredited the success to "the hard work of teachers, administrators, students and their families." Unfortunately, American Indian and Alaska Native students are the only ethnic group

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<sup>1</sup> Hearing before the Committee on Indian Affairs, S. Hrg. 113-92 (May 15, 2013).

whose rates remained flat with a graduation rate of 69.6 percent in 2013-14; 12 percent lower than the national average. Furthermore, students attending BIE funded and operated schools experienced even lower graduation rates at 53%; nearly 30 percent below the national average. In addition, Indian students continue to be subject to significant risk factors that threaten their ability to improve their academic achievement and their general well-being.

Despite the pressing need for funding parity and equitable access, historical funding trends illustrate that the federal government has been abandoning its trust responsibility by decreasing or freezing federal funds to Native-serving programs by over half in the last 30 years. Some Native students have been wholly abandoned, such as those languishing in BIA-funded juvenile detention centers— desks sit empty because education funding for those facilities was cut in 2012. Many Native students attempt to make academic gains in dilapidated, below-standards school facilities. Abandoning school construction funding, in particular, has been extremely detrimental to Native youth, as the GAO has reported that better school facilities are associated with better student outcomes.<sup>2</sup>

The President's FY 2017 Budget continues the work from 2016 which invests in Indian education. Through proposals to increase Native-serving programmatic funding levels, the Obama Administration is making critical investments in Native communities.

**BIE Reform.** NIEA is generally supportive of the BIE-reform. However, we urge transparency in the design and execution of the reform to include tribal participation, including school leadership, facilitate congressional oversight, and ensure that reform fulfills the federal government's trust responsibility regarding delivery of trust- and treaty-based educational rights.<sup>3</sup> Research has shown that critical investments in BIE are needed in overlooked areas such school construction and technology. NIEA's outlined budget asks are directly related to programmatic costs to get this nation's most vulnerable students to the same level of achievement as their peers.

**FY 2017 Recommendations.** Although NIEA welcomes the renewed commitment to Native education reflected in the Administration's FY 2017 Budget, the federal trust responsibility will continue to be undermined until the federal government fully appropriates funding to bridge the educational attainment gap. Implementing the following requests would ensure this trust responsibility is upheld by reinvesting critical resources to improve the education systems serving Native students. Once again, we appreciate Congress working across the aisle to better fund and support Native education in previous years. We hope that Congress provides full appropriations to authorized programs which Native students desperately need.

- **Provide \$263.4 million for BIE education construction.** Schools operating within the BIE system are woefully outdated and, in some cases, dangerous for students

<sup>2</sup> See GAO, School Facilities: Physical Conditions in School Districts Receiving Impact Aid for Students Residing on Indian Lands, GAO-10-32 (Oct. 29, 2009).

<sup>3</sup> See NIEA Resolution #2014-11.

and staff. The Administration has requested \$138.2 million, and **we request \$125 million above the Administration's request to fully fund school construction and repair.** Over 60 BIE schools are currently rated in "poor" condition, and construction issues continue to put Native students at an educational disadvantage. Full funding of school construction would likely decrease overall costs over time, as less money would be spent attempting to maintain decrepit facilities.

- **Provide \$620,000 for juvenile detention education.** These critical funds provide educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities. One of the best methods to rehabilitate individuals is through education, eliminating this program creates additional costs by increasing the rate of criminal recidivism. NIEA requests \$120,000 above the Administration's Budget.
- **Provide \$25 million to extend broadband internet access.** Technology is no longer a luxury in 2016, and serves as a necessity to keep up with today's advanced society. However, less than ten percent of Indian Country has access to broadband internet technology. Furthermore, 60% of BIE schools do not have adequate digital broadband access, or computer access, to be aligned with college and career readiness standards. As such, we agree with the President's Budget to fund broadband access for Native students at \$25 million.
- **Provide \$73 million for student transportation in the BIE system.** BIE schools incur significant student transportation costs due to their often-rural locations and poor road conditions. High transportation costs lead to funding shortfalls, which then either go unpaid or divert direct educational funds. NIEA requests \$20 million over the 2016 enacted level since BIE schools costs are considerably higher than most schools systems due to the often-rural location of BIE facilities. NIEA recommends \$16 million above the Administration's Budget.
- **Provide \$75 million for tribal grant support costs for tribally-operated schools.** Tribal Grant Support Costs fund the administrative costs of existing tribally-operated schools. Full funding is critical as these funds help tribes expand self-governance and tribal control over education programs by allocating monies for administrative costs such as accounting, payroll, and other legal requirements. Schools must divert critical teaching and learning funding to cover any shortfalls in operational costs. As such, we agree with the President's Budget to fully fund tribal grant support costs for Native students at \$75 million.
- **Provide \$10 million for Tribal Education Agencies/Departments (TEAs).** This funding assists TEAs, which are uniquely suited at the local level to implement innovative education programs that improve Native education. Tribes best understand the circumstances of their populations, and tribal self-determination over education results in improved education parity. NIEA requests an additional \$6 million above the Administration's Budget.

- **Provide \$431 million for the Indian School Equalization Program.** These funds provide the core budget account for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel. Unfortunately, ISEP funds are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by tribes. NIEA recommends \$32.5 million above the President's Budget.
- **Provide \$5 million for BIE immersion demonstration programs.** According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050. As such, funding under the BIE reform efforts should strengthen tribal sovereignty to increase capacity and support Native language immersion schools. These demonstration grant funds would protect the cultural and linguistic heritage of Native students in education systems in order to strengthen their language, improve academic outcomes, and become future leaders of their tribes. NIEA recommends that the BIE immersion demonstration grants be a line item moving forward with a \$5 million request.
- **Provide a One-Time Appropriation of \$20 million to forward fund five TCUs.** Forward funding is necessary for Haskell Indian Nations University, Southwestern Indian Polytechnic Institute, Institute of American Indian Arts, Navajo Technical University, and United Tribes Technical College. These five tribal colleges are the only educational institutions funded through the BIE that are not forward funded. NIEA requests \$16 million above the President's Budget.
- **Provide \$37.8 million to the Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic (SIPI).** These TCUs, which were the first TCUs, are funded separately, and require additional funding considerations. A combined appropriation of \$23 million for HINU and SIPI is necessary to ensure continued programs and services are available to Native students and a one-time payment of \$14.8 million would help forward-fund these institutions. NIEA requests \$16 million above the President's Budget.

**Conclusion.** FY 2017 funding has the potential to begin to change the future for BIE students by ensuring that schools have the facilities and resources necessary to provide a college- and career-ready, 21st century education. To achieve success, there must be collaboration among all entities – federal, tribal, state, and local. Education is the only way that we will break the cycle of poverty on the many reservations that have BIE-funded schools and enable Native children to have productive futures. NIEA urges Congress to fulfill its federal trust responsibility to America's most vulnerable children by ensuring they have the access to educational resources they deserve.

For additional information, please contact NIEA Executive Director, Ahniwake Rose [arose@niea.org](mailto:arose@niea.org) or 202-544-7290.

Mr. SIMPSON. Kerry.

THURSDAY, MARCH 17, 2016.

**TRIBAL EDUCATION DEPARTMENTS NATIONAL  
ASSEMBLY**

**WITNESS**

**KERRY VENEGAS, VICE PRESIDENT, TRIBAL EDUCATION DEPART-  
MENTS NATIONAL ASSEMBLY**

Ms. VENEGAS. Good afternoon, Mr. Simpson, Ranking Member McCollum, other members of the Committee. He: yung dixwe: di wha: ne'a: noht'e. My name is Kerry Venegas. I am the Education Director for the Hoopa Valley Tribal Education Association located in the extreme northeast corner of California. I'm also vice president for the Tribal Education Department's National Assembly, TEDNA. And I want to say Ts'ehdiyah, my gratitude for the opportunity to speak to you today about funding for tribal education departments and tribal and native education.

First and foremost, I want to express my appreciation for what happened last year with the funding that actually funded the Sovereignty in Indian Education Enhancement Program that at least 11 tribes have taken advantage of, including Nez Pierce in Idaho. Several tribes across the Nation, Navajo is also one of them. It's been a very exciting time for tribal education and for us to exercise our sovereignty.

For our request, we would really like to respectfully request \$10 million to continue to support the work of these 11 tribes and to expand it to the other tribal education departments, and associations, and agencies. When it comes to Hoopa, the Natinixwe, the Hoopa people have educated their community members from time immemorial. And for all of us and all of the tribes, education continues to be not only a sovereign right and a trust obligation, but an issue of local control, a sacred responsibility that we know how to educate our students, that we consider it to be the most important priority.

At the same time, tribal government involvement in the education of native students has been severely restricted. Funds were appropriated for the first time 2 years ago under Section 2020(b)(11), agencies I was talking about, providing tribal governments with the crucial funds to move forward.

Native American students, as we've heard in the previous testimony, they drop out more than twice as often as their non-native peers. They score lower on achievement tests more than any other student group. For example, our local school district, Klamath Trinity Joint Unified, has an 89 percent native student population, the majority of whom are our students for the tribe, but only 6 percent of the native students met or exceeded the English Language Arts Smarter Balance assessment, and only 5 percent met or exceeded in mathematics.

Congress has also recognized the importance in ESSA by statutorily authorizing a similar type of funding in the State and Tribal Education Partnerships. These are also yielding amazing results

where States and tribes are coming together to make these kinds of localized decisions to help our students learn.

Truly tribal ed departments are in a unique position to halt and reverse some of these negative outcomes for Native students, and we have more than proven our capability of our student outcomes, helping them be prepared for college and beyond. For example, the Hoopa Tribe operates 15 different education programs. We span all areas of lifelong learning from prenatal early education, to managing a branch of our local community college hoping to be a tribal college someday soon, and providing native vocational rehabilitation services.

While our local school district has set the high expectation goals of 45 percent of students to meet or exceed English language arts and 50 percent in mathematics, we expect more for our students, and we accomplish better outcomes. Through our Hoopa College Success Program, we provide college ready academic tutoring and mentoring services through a 4-year cohort. Our last cohort, we successfully graduated 85 percent of our students with their cohort, and over 92 percent at large. And when it comes to preparing students for college, our rates have been better. 63 percent of our students completed A through G curriculum, which is the college bound coursework required to enter into the top universities in our State and the Nation. By comparison, only 41.9 percent of all students in our State were college ready under those conditions, and only 26.9 percent of native students in the State of California qualified under that.

To give you another comparison of the graduation rates, as a reminder ours were 85 percent with cohort. In the State of California, all students are at 81.4 percent and 69.7 percent for native students. We are meeting and exceeding every standard in a State that is renowned for its education systems.

In Idaho, the State Education Agency, working with Nez Pierce, one of the recipients of the sovereignty grant, acknowledged that it did not have the expertise or always the technical capacity to provide training or technical assistance to meet the unique needs and cultural needs of Native American students. But that STEP grant and partnership is moving forward. They've accomplished some amazing data sharing, agreements, conversations, and training. The culturally responsive school leadership has become a platform and an inspiration to other tribes.

The success of tribes like Hoopa Valley, Nez Pierce, and Leech Lake, which is a tribe that is now starting on its 2020, if it is again appropriated to continue to this funding and increase it to expand, we will be able to support more early education initiatives, develop culturally relevant curriculum, work collaboratively with our local and State educational agencies, develop and enforce our own tribal education codes that set high standards and expectation, that prepare our students for the leadership roles that we know they will take, the leadership roles that lead to the perpetuation of our communities.

We also know that we would be able to enforce tribal standards at our level, apply our knowledge to personnel, students, facilities, and support programs. As Congress has already recognized, and we thank all of these efforts, these areas are the core educational func-

tions for any community, and they are most appropriately left to those at the local level, us, the tribes.

For these reasons, we really would like to, again, respectively request \$10 million in the Department of Interior, Environment, and Related Agencies appropriation bill for Fiscal Year 2017. We also, in addition, support the President's Department of Interior budget request for the additional funding for the Johnson O'Malley, which are some of the only monies that we actually receive as tribes who are not BIE receiving tribes. And we would like to support the post-secondary education funding for tribal colleges and, in addition, for higher education scholarships. We put so many of our students through other colleges across the Nation, including Ivy League. These funds make a tremendous amount of difference to our tribe.

With these things in place, our tribal nations can realize the promise and the quality education that's been embodied and put forward the Every Student Succeeds Act, and also the sovereign rights and the possibilities of local control in our community.

Ts'ehdiyah. I thank you.

[The information follows:]

## Tribal Education Departments National Assembly



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## HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

### TESTIMONY OF KERRY VENEGAS, HOOPA VALLEY TRIBAL EDUCATION DIRECTOR AND VICE PRESIDENT OF TEDNA, REGARDING FY 2017 FUNDING FOR TRIBAL EDUCATION

**MARCH 17, 2016**

Chairman Calvert, Ranking Member McCollum, and Members of the Committee, he:ying dixwe:di wha:ne'a:noht'e, my name is Kerry Venegas and I am the Education Director for the Hoopa Valley Tribal Education Association and Vice President for the Tribal Education Departments National Assembly ("TEDNA"), a national non-profit membership organization for the Education Departments/Agencies ("TEAs") of American Indian and Alaska Native Tribes. Ts'ehdiyah, my gratitude, for the opportunity to speak to you today about funding for Tribal Education Departments. First and foremost, our sincerest gratitude for appropriating funds for Fiscal-Year 2015 and 2016 to support TEAs through Section 2020 grants. In conjunction with the Bureau of Indian Education's historic Sovereignty in Indian Education ("SIE") Enhancement Program Tribes are better positioned to assert control over the education of our students. However, continued funding is needed in order to keep these programs and others such as Johnson O'Malley ("JOM") and BIA Higher Education moving forward. For this, TEDNA respectfully requests \$10 million to support TEAs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2017.

### **AUTHORIZATION FOR FUNDING**

Federal funding for TEAs is authorized in the 25 U.S.C. § 2020 and in the Tribally Controlled Schools Act, 25 U.S.C. § 2502.

### **JUSTIFICATION FOR FUNDING**

The Natinixwe, Hoopa, have educated their people from time immemorial and for us and all Tribes, education continues to be a sovereign right, a trust obligation, an issue of local control and a sacred responsibility. That we have entrusted a part of the education of our students to our

local public school district speaks to our expectation of the state, local and federal obligation to honor that same responsibility. However, these expectations remain unrealized at a cost that is too high. Native American students drop out of high school more than twice as often as their non-Indian peers, and score lower on achievement tests than any other student group. Our local school district, Klamath Trinity Joint Unified, has an 89% Native student population, but only 6% of Native students met or exceeded English Language Arts (ELA) Smarter Balance assessment standards and only 5% met or exceeded in Mathematics.<sup>1</sup> In fact, nationally Native American 8th grade students are 18% more likely to read or perform in mathematics at a “below basic” level. Only a quarter of Native American high school graduates taking the ACT score at the “college-ready” level in math and only about one-third score at the “college-ready” level in reading. In addition, the U.S. Department of Education’s Office of Civil Rights (“OCR”) Data Collection: Data Snapshot (March 21, 2014) found that Native American kindergarten students are among those held back a year at nearly twice the rate of white kindergarten students, and that 9% of Native American ninth grade students repeat ninth grade. Although data released last year by the U.S. Department of Education indicates that graduation rates for Native American students have increased, Native Americans continue to have the lowest graduation rates of all ethnic and racial groups.<sup>2</sup>

At the same time, Tribal government involvement in the education of Native American students has been severely restricted until recently. Since 1988, Congress has authorized funding specifically to build Tribal capacity to directly serve Native students in BIE schools – Section 2020. Funds were appropriated for the first time two years ago under this section to eleven TEAs, providing Tribal governments with crucial funds to move forward. However, these programs are just getting started, and a comparable appropriation is needed in order to guarantee continued success. A similar authorization for tribal capacity building aimed at *public schools* on Indian reservations has been funded since Fiscal-Year 2012, resulting in the Department of Education’s pioneering State-Tribal Education Partnership Program (“STEP”). Congress recognized the importance of this program by statutorily authorizing it in Title VI of the Every Student Succeeds Act. Though important, the STEP program only addresses one aspect of the existing need. If the corresponding funding opportunity for BIE schools is constrained by lack of resources, our Native American students in BIE schools will continue to be underserved.

But TEAs are in a unique position to halt and reverse the negative outcomes for Native students and have continually proven that they are capable of improving Native American student outcomes. For example, the Hoopa Valley Tribe of California, a U.S Department of Education Indian Demonstration grantee and TEDNA member, operates 15 different education programs spanning all areas of lifelong learning from Early Head Start to managing a branch of our local community college and providing Native Vocational Rehabilitation services. And while our local school district has set “high expectations” with achievement goals of 45% of students to meet or exceed standards in ELA and 50% in Mathematics, we expect more and accomplish better

<sup>1</sup> Klamath Trinity Joint Unified School District Impact Aid Report to Tribes and Community Members, 2014-15.

<sup>2</sup> U.S. Department of Education, Achievement Gap Narrows as High School Graduation Rates for Minority Students Improve Faster than Rest of Nation (March 16, 2015), available at: <http://www.ed.gov/news/press-releases/achievement-gap-narrows-high-school-graduation-rates-minority-students-improve-faster-rest-nation>.

outcomes. Through our Hoopa College Success Program (CSP) we provide college ready academic tutoring and mentoring services which over a four-year period, successfully graduating 85% of the students with their 2010-2014 original cohort, 98% total, and with 63% completing at least 3 years of challenging core courses (A-G Requirements) with a C or better. By comparison, in the 2013-14 school year, the California graduation rate for all students was 80.8% and for American Indian/Alaska Native students was 70.1%, while the national average for all students was 81.4% and for American Indian/Alaska Native students was 69.7%. And for Humboldt County, California, only 31% total students completed A-G requirements with a C or better, and only 34.6% American Indian/Alaska Native students, while California had a 41.9% for all students and 26.9% for American Indian/Alaska Native students.<sup>3</sup>

The Leech Lake Band of Ojibwe, a Section 2020 grantee and a TEDNA Member, is developing a program under Section 2020 to address the Tribe's inherent authority over all areas of education. The Tribe operates a K-12 BIE school with an enrollment of 150 students, and administers JOM funds for 8 public school districts which provide primary and secondary education to 1,833 tribally enrolled students in K-12 schools on and near the Reservation. By establishing a Tribal Education Code and creating a comprehensive Education Plan as a base to build Tribal Administrative Support to enhance local control, the Tribe will provide a pathway to support educational outcomes of native students living on or near the reservation, and establish and strengthen relationships with outside entities that affect the education of Indian students. To strengthen local control, Leech Lake is holding ongoing, regular forums in all communities and hosting educational conferences for both adults and youth to gather input on tribal priorities. The Section 2020 grant has started the ball rolling for Leech Lake in areas that are not covered under the grant and made sovereignty in education a reality so that their students are not left behind.

The work of the Nez Perce Tribe's TEA, a STEP grantee, is another good example. Current research indicates that Native American academic achievement must include effective teaching strategies. Also, researchers studying the achievement of Native American students have found a connection between low achievement and low cultural relevance. Nez Perce has made large inroads in providing teacher training for the integration of cultural pedagogy, tribal education standards, and common core standards. In addition, the Nez Pearce TEA provides technical assistance TEA to their partner LEAs on use of the Native Star Culture and Language Indicators addressing culturally-responsive school leadership, community engagement, and infusion of culture and language into the school's curriculum and instruction.

The State of Idaho's State Education Agency ("SEA") acknowledged that it does not have the expertise to provide training or technical assistance in meeting the unique educational and cultural needs of Native American students. But Nez Perce's STEP grant has provided a platform for the Tribe's TEA and the local LEAs and SEA to work together to improve Native American student performance through partnership across three federal Elementary and Secondary Education Act programs (Title I, Part A; Title II, Part A; and School Improvement Grants).

Success of Tribes such as Hoopa Valley and Nez Perce, demonstrate the positive impact and

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<sup>3</sup> Hoopa Valley Tribe, College Success Program Final Report, U. S. Department of Education, November 2015,

high need for Tribal involvement in Native American education. If once again appropriated by this Subcommittee, these funds would be used to *facilitate tribal control* in all matters relating to Native American education on reservations and implementing programs to increase graduation rates and post-secondary school readiness, and foster much-needed cooperation and coordination with entities carrying out education on Indian reservations. More specifically, Tribes will be able to 1) support early education initiatives and develop culturally relevant curriculum and assessments; 2) increase tribal participation through TEAs providing coordination, administrative support services, technical assistance to schools and education programs on Indian reservations, including maintaining and sharing electronic data regarding Native American students; and 3) develop and enforce tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs. As Congress has already recognized, these three areas are core educational functions that are most appropriately left to Tribes.

One final note, while the authorizing statute for 2020 grants says that the Secretary “shall” award grants in a manner that fosters geographic and population diversity. 25 U.S.C. § 2020(c), only tribes with at least one BIE funded school on their Indian land were eligible for the first round of these grants, restricting the pool of eligible tribes and TEAs. While honoring the intention of this statute could mean fewer grants for lesser amounts, the additional funding requested could support this diversity without sacrificing the gains that have already been made and provide for more Tribal efforts. In our view, to ensure diversity, grants would go to both large and small tribes based on populations. While an applicant that serves three or more BIE funded schools would receive the statutory priority, grants would go to both large and small tribes based on populations for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all education programs of the tribe.” Now is the time to make sure that all of our Tribes can move forward in good work.

The TED and SIE funding will support and prepare tribes to operate successful schools and shape what their students are learning. It also will assist the tribes in meeting the consultation and other requirements in the Every Student Succeeds Act that Congress recently passed.

## **REQUEST**

Education of our people is a sovereign and fundamental right, and a trust obligation. We must have control in shaping the experiences, outcomes, and planning of education that guides our people in their birthright as the leaders of our Tribes. TEDNA respectfully requests \$10 million for TEAs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2017 to continue the good work being done through the 2020, SIE and other programs. In addition, we support the President’s Department of the Interior budget request for additional funding for Johnson O’Malley grants and increases for tribally controlled scholarships for post-secondary education. With these things in place, our Tribal nations can realize the promise of local control and quality education as embodied in the Every Student Succeeds Act (ESSA) Ts’ehdiyah, thank you.

Mr. SIMPSON. Thank you. Thank you all for being here, and thank you for your testimony. Ms. Rose, thank you for your years of help with this subcommittee and your trusted help and support as we have tried to take Indian education off the floor and put it back in its rightful place. We appreciate both of you being here today.

Ms. McCollum.

Ms. MCCOLLUM. We have had several meetings in our office about Johnson O'Malley. Maybe we will hear about it again tomorrow on the panel. The Johnson O'Malley program does not have an accurate count. I am trying to figure out how to do one in our school districts in Minnesota see what is going on. By not having an accurate count, what opportunities are being left out there that children are not able to take advantage of? It is unconscionable that we do not have a good number, a good resource for calculating this funding. You mentioned it in your testimony.

Having a good count means what to these students?

Ms. VENEGAS. Thank you for that question, Ms. McCollum. Having an accurate count is incredibly important. We did do a count. We did turn it in, the previous two requests. We only get funded for about a third of our current students who would be eligible right now. And what that means is that the crucial services we provide at K-12 actually come from the base of our JOM money. We receive less than \$33,000 each year out of our Compact funds. These support cultural activities, but, more importantly, they are supporting tutoring 101 accomplishment, computer software enrichment, and some of the reemphasis on rebuilding skills.

As you can tell, our math and English scores are deplorable. And so, we end up picking up a lot of the heavy lifting, and that is what JOM enables to do.

We provide a foundation for students to feel connected in homes where a lot of issues may come up, including incarceration, drug abuse, substance issues. Our JOM center functions sort of the heart for our students. They know it. They come there. They come there on Saturdays when we are open for activities. They know that they can have a place that appreciates that they stay in school.

Ms. ROSE. The Johnson O'Malley Program is actually attempting to move forward a bill right now that looks at reexamining the way that the student accounts are currently done, and NIA supports the work that they are doing. I am not sure if the committee would be able to consider within the report language requesting BIE to think about using Census data while we wait on the bill to move forward. And Census data as a temporary move, right, we all know that the Census probably is not completely accurate for American Indian and Alaska Native students. However, it would be a good first start as we think about what that relook might be. And then demanding that BIE examine what this looks like in a much more broader way.

But ultimately we know because if the student account is wrong, the funding is too low because that is what it is exactly based on. So we are working on how do we increase that student account to a more accurate representation. So if we could start looking at the

Census data I think as a temporary fix, that would be incredibly helpful.

Ms. MCCOLLUM. Mr. Chairman, this is something our committee has been hearing about since I have had the opportunity and the honor to serve on this committee. We have not been able to fix it through redirecting and asking people at the BIE to do it, so maybe we just need to start telling people to do it.

Thank you, Mr. Chair.

Mr. SIMPSON. Mr. Cole.

Mr. COLE. They just do not listen. [Laughter.]

Kerry, you mentioned 2 years ago the subcommittee funded for the first time \$2 million for tribal education departments. And I may be wrong but this is why I am asking. I am informed that is the maximum or we think it might be the maximum authorized we are able to appropriate. Are there additional funds authorized through the Department that we could go up to, because quite often we run into this problem. I mean, the authorizing committees will say appropriate up to such. It is usually more than we have, you know, and so we have to cut.

Is this a case where maybe they cap it at \$2 million, or do you know?

Ms. VENEGAS. I definitely would like Ahniwake to weigh in on this with the specifics—

Mr. COLE. Yeah, please. It would be very helpful.

Ms. VENEGAS [continuing]. Because I am speaking from tribal ed directors. That, as far as I know, is the amount that is in the language in that particular area.

Mr. COLE. Okay.

Ms. ROSE. You are correct, sir. It is capped at \$2 million. The flexibility that were coming from the SIG grants, which are something new that the Department or the Bureau has done, has come from discretionary funds, that the director has availability to do. So we would need to look back at ways that we could increase the request for authorizations to do that, yeah.

Mr. COLE. Well, where do they come up with this? I mean, it certainly sounds like something they just pulled out of a hat. It does not sound like—

Ms. ROSE. I would agree.

Mr. SIMPSON. Authorizers did that? [Laughter.]

Ms. VENEGAS. We have the same question.

Ms. ROSE. We would agree. We would agree.

Mr. COLE. Well, maybe at the minimum we could put something in our report language and tell them to relook at this, I mean, because it is clearly an area that needs more support.

Ms. ROSE. I would agree. When this was originally written, it was so many years ago. We were not looking at a lot of tribes. And then now we have this flexibility with ESA, so I think this gives you a really good opportunity to look at this reexamination. Through ESA, the tribes are now able to request to run and operate title programs through cooperative agreements, and as we are looking at their ability to do that, they were looking at their need to build their capacity internally to be able to run and operate these things.

So TEDs are going to need to be funded to be able to develop that capacity.

Mr. COLE. Now, I know from another area that we can, at least we have. Last year in charter schools we went above what Ed and Workforce had authorized. They had authorized \$300 million, and I think we were at \$250 something, and we actually blew past that to like \$320.

Ms. ROSE. We will take \$320 million. No problem.

Mr. COLE. Yeah, I am sure you would. [Laughter.]

Mr. SIMPSON. The Rules Committee.

Mr. COLE. Yeah. Well, that can be arranged. Anyway, thank you very much. You just cleared up something for me.

Mr. SIMPSON. You sit on that committee, too, I think, do you not?

Mr. COLE. I do. [Laughter.]

Mr. SIMPSON. Ms. Pingree.

Ms. PINGREE. I will just thank you for your testimony. Thank you for the work you do. I really appreciate it.

Mr. SIMPSON. Again, thank you for being here today. We appreciate it very much. And thanks for the work you do.

Kirk Francis, William Harris, Brian Patterson.

Kirk, over here, William, right there, and, Brian, right there. I understand that helps the people keep track of who is talking. [Laughter.]

Kirk, we look forward to hearing from you. Go ahead.

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THURSDAY, MARCH 17, 2016.

## **PENOBSCOT INDIAN NATION**

### **WITNESS**

#### **KIRK FRANCIS, CHIEF, PENOBSCOT INDIAN NATION**

Mr. FRANCIS. Good afternoon. Well, my name is Kirk Francis, and I'm chief of Penobscot Indian Nation in the great State of Maine. So I do know somebody on the committee here. And so, it's a privilege to be in front of you all.

So as I mentioned, my name is Kirk Francis. I'm chief of Penobscot Nation. And I want to thank you, Chairman Calvert, and Ranking Member McCollum, Congresswoman Pingree, and members of the subcommittee for the opportunity today.

I also want to thank this subcommittee for your leadership in increasing funding for tribal programs that serve the most in our communities. All of Indian Country truly appreciates your work.

For Fiscal Year 2017, my written lists several but priorities, including support for permanent reauthorization for the Special Diabetes Program for Indians and reclassification of contract support costs to mandatory funding. We urge your support on these important proposals.

Today I'd like to focus, though, on two priorities for the Penobscot Nation. The first is the urgent need to address substance abuse on the Penobscot Reservation and through Indian Country. For more than a decade now, the Penobscot Nation has struggled with the opioid and prescription abuse epidemic that is plaguing

much of this Nation. We cannot incarcerate our way out of this problem.

To address the root causes of substance, Penobscot has invested heavily in our wellness court system to offer drug treatment opportunities, counseling, and support services. Maine Public Radio recently profiled our wellness court, and just this week the BIA hosted a roundtable to highlight the work of our wellness court personnel. And we've provided some posters, and I believe you have some handouts on some of that information.

The wellness court gives offenders with a history of substance abuse access to a comprehensive team run by a licensed case manager. The team includes law enforcement, justice officials, a spiritual and cultural counselor, behavioral and substance specialists, and medical personnel that develop a wellness plan for each participant, actively monitors and engages in their progress to ensure that they're meeting their individual goals.

Our adult wellness court has a graduation rate of approximately 60 percent, while the juvenile wellness court has graduated 100 percent of those entering the program. But I proudly report to you that we have a zero recidivism rate among both the adult and juvenile graduates of our program.

The program costs \$7,000 per participant, a fraction of the \$35 to \$55,000 it costs annually to lock someone up. Our wellness court is funded primarily through the Department of Justice Drug Court Grant that is set to expire in September. The lack of funding will likely force us to halt this program. This program has been hugely beneficial to the participants, their families, and the community as a whole.

To help keep the doors open, we urge the subcommittee to support proposed increases to the BIA's Tiwahe Initiative. The Tiwahe Initiative will be key to addressing the social factors that contribute to the high rates of substance abuse on the Penobscot Reservation.

The second topic I would like to address is the continued attacks of sovereignty from the State of Maine. Congress enacted the Maine Indian Land Claim Settlement in 1980. For at least half of those 36 years since the law's enactment, the nation and the State have been in some form of litigation. This is not what Congress, the tribes, or the State could have intended.

Instead of acknowledging the Settlement Act as an arm's length agreement between equals, the State has sought to use the settlement as a club to diminish tribal sovereignty. The State has narrowly interpreted the Settlement Act to prevent Federal laws from applying to the Maine tribes. Recently they have against the application of the VAWA, which enables tribes to protect vulnerable native women, and against FEMA disaster declarations that provide help to tribal communities facing emergencies and natural disasters.

State also continues to challenge the Penobscot Nation's authority within the Penobscot River, which is central to our territory, culture, and very existence. We remain engaged in ongoing legal battles for these rights.

This already contentious relationship significantly deteriorated in the past year when the Maine governor revoked his own executive

order that recognized tribal sovereignty and sought to promote cooperation. Adding to this, he has also threatened to send the National Guard onto Indian lands to enforce State fishing laws, and vowed to veto the recommendations of the Maine Wabanaki State Child Welfare Truth and Reconciliation Commission. These attacks are costing considerable Federal and tribal resources. These and other factors led to the Penobscot and Passamaquoddy Tribes to withdraw our delegates to the Maine legislature in May of 2015. The Penobscot Nation has sent a delegate to the Maine legislature since 1823. Because of these repeated attacks on the sovereignty, the Penobscot made this difficult decision, and we have chosen to focus on our paths to self-governance and self-determination.

36 years have passed since Congress enacted the Settlement Act. It's proven ineffective and, in fact, harmful to all involved. I, again, urge Congress to reexamine the Settlement Act so that improvements can be made for all of Maine people.

And I, again, appreciate all your time today, and I'm happy to answer any questions.

[The information follows:]

**Chief Kirk Francis, Penobscot Indian Nation  
House Interior Appropriations Subcommittee (03/17/16)**

My name is Kirk Francis and I am Chief of the Penobscot Indian Nation ("Nation"). The Nation has approximately 2,400 citizens and over 123,000 acres in land holdings, of which nearly 91,000 acres are held in trust by the United States. The Penobscot Nation's seat of government is located on its ancestral homelands at Indian Island on the Penobscot River.

My testimony today will focus on programs within the Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) that address an issue deeply impacting the Penobscot Nation and communities across the United States: the epidemic abuse of opioids, prescription drugs, and heroin. Substance abuse exacts a financial toll of more than \$700 billion annually related to crime, lost work productivity, and health care. We cannot incarcerate our way out of this problem. Tribal, federal, and local governments must instead invest in programs that prevent and/or treat substance abuse. In June 2015, the NIH's National Institute on Drug Abuse (NIDA) released its "Drug Facts: Nationwide Trends" report. That report indicated illicit drug use in the U.S. has dramatically increased and is much higher among Native youth. In 2009-2012, NIDA found that 56.2% of American Indian 8<sup>th</sup> graders and 61.4% of 10<sup>th</sup> graders had used marijuana, compared to 16.4% of 8<sup>th</sup> graders and 33.4% of 10<sup>th</sup> graders. American Indian students' annual heroin and Oxycontin use was two to three times higher than the national averages in those years. The report also found that American Indian youth are initiating alcohol and drug use earlier than their non-native counterparts.

The Penobscot Nation supports the Budget's proposed increases to BIA and IHS services and operations and asks for your support of the following key programs:

**TIWAHE (FAMILY) INITIATIVE:** The BIA's Tiwahe Initiative takes a comprehensive approach to address the inter-related problems of poverty, violence, and substance abuse faced by Native communities. The Budget proposes an increase of \$21M for its "Supporting Indian Families" Initiative, including +\$12.3M to expand Tiwahe sites, +\$3.4M for Indian Child Welfare Act (TPA), +\$1.7M for housing, +\$2.6M for Aid to Tribal Family Courts, and +\$1M for Job Placement and Training. The Tiwahe Initiative will be key to addressing the social factors that contribute towards the high rates of illicit drug use and other substance abuse issues on the Penobscot Reservation and in other American Indian communities.

Over the last few years, Penobscot has developed and instituted a Juvenile and Adult Healing to Wellness/Drug Court. In the few years of operations the Adult Wellness Court shows a successful graduation rate of approximately 60% while the Juvenile Wellness Court at 100%. We proudly report a "zero" recidivism rate among our graduates. DOJ provides the majority of funding for this program. Our DOJ grant funding for the Wellness/Drug Court will expire at the end of this fiscal year, and unfortunately with the limited allocation we currently receive from the BIA it is unlikely we will be able to fully continue to provide this level and type of service.

**REQUEST:** The Penobscot Nation asks the Subcommittee to support the proposed increases to the Tiwahe Initiative noted above. These investments will go far in addressing the substance abuse problems that plague Indian Country. If the proposed increases are adopted, Penobscot

holds hope that the Administration will select Penobscot as a new site for the Tiwahe Initiative, which would enable us to maintain our Wellness/Drug Court and build upon its success.

**OJS – CRIMINAL INVESTIGATORS/POLICING SERVICES:** The Indian Affairs justification acknowledges that “drug use and distribution is a major factor in violent crime and seriously impacts the health and economic vitality of Indian communities. The abuse of prescription drugs is ... a crisis in Indian Country.” It is a well-known fact that tribal communities are targets for drug trafficking because of the remoteness and complexities of criminal jurisdiction. However, the OJS drug enforcement unit is comprised of only 47 BIA criminal investigators and 16 school resource officers to cover 566 tribes nationwide. The President’s Budget proposes a minimal increase of \$432,000 for “Criminal Investigations and Police Services.” The BIA’s Eastern Region employs 3 drug investigators located in New York and North Carolina to provide drug investigative services for 26 tribes from Maine to Florida and over to Louisiana. These services are woefully inadequate.

**REQUEST:** To address illicit and prescription drug trafficking on Indian lands in Maine, we urge the Subcommittee to appropriate additional funding for BIA’s OJS to hire and assign at least 1 investigator to the 5 federally recognized tribal communities located in Maine.

**WILDLIFE & PARKS (TPA):** The Budget proposes flat funding of \$5.3M for BIA Wildlife & Parks TPA program, which funds tribal activities to manage and protect our natural resources. The U.S. holds a legal treaty and trust responsibility to protect tribal resources. The Penobscot Nation has approximately 100,000 acres geographically located throughout the State of Maine with only 2 full-time game/conservation officers.

**REQUEST:** We urge the Subcommittee to increase funding to BIA’s Wildlife & Parks TPA Program to better enable tribal governments to protect our natural resources.

**INDIAN HEALTH SERVICES (IHS):** The Budget proposes increases of \$27.9M for Alcohol and Substance Abuse, and \$48M for Purchased/Referred Care. Additionally, the Budget would extend the 100% Federal Medical Assistance Percentage (FMAP) for services provided through IHS under the Medicaid Program. This proposal would greatly increase resources to purchase health care services not available at an IHS facility. American Indians continue to die at higher rates than other Americans in many health categories. In FY 2010, the Penobscot Nation conducted a health assessment of our people. The assessment found that Penobscot people are 2.3 times more likely to be diagnosed with diabetes, 1.4 times more likely to have high blood pressure, and 1.7 times more likely to have angina or coronary heart disease. Sadly, these health disparities exist throughout all of Indian Country.

**REQUEST:** The Penobscot Nation asks the Subcommittee to support the overall Budget request of \$377.4M for the IHS, including specific increases to the Alcohol and Substance Abuse program (+\$27.9M), Purchased/Referred Care (+\$48M), and the 100% FMAP.

**SDPI PERMANENT REAUTHORIZATION:** At nearly 16%, Native Americans have the highest age-adjusted prevalence of diabetes among all United States populations (2.8x the national average). The Special Diabetes Program for Indians (SDPI), established in 1997, has

increased the availability of diabetes prevention and treatment services. These increased services translated into remarkable improvements in diabetes care and has significantly reduced diabetes-related costs related costs to Medicare, the IHS, and other third party payers.

**REQUEST:** The Penobscot Nation asks the Subcommittee to support the Budget request of \$150M for SDPI and to support the request to permanently authorize this important program.

**CONTRACT SUPPORT COSTS:** The 2017 President's Budget proposes to fully fund and eventually reclassify BIA and IHS contract support costs (CSC) to mandatory funding starting in FY 2018. Reclassifying CSC to mandatory funding will resolve the legal conflicts encountered throughout the years and will greatly enhance the tribes' ability to administer contracts/grants.

**REQUEST:** We urge the Subcommittee to support the reclassification of Contract Support Costs to mandatory funding beginning in FY 2018.

**CHALLENGES OF THE MAINE INDIAN CLAIMS SETTLEMENT ACT.** The single most important challenge the Penobscot Nation faces comes from constant attacks on our sovereignty from the State of Maine (State).

Congress passed the Maine Indian Claims Settlement Act (Settlement Act) in 1980 to resolve the longstanding and significant land claims of the Penobscot Indian Nation and the Passamaquoddy Tribe. The Settlement Act involved three parties: the Tribes of Maine, the State of Maine, and the United States. The Settlement Act sought to resolve longstanding land claims and forge a path forward for a future relationship between the Tribes and the State with the United States continuing to maintain a government-to-government relationship with the Tribes. To address active legal disputes, the Settlement provided funding for the Tribes to reacquire lands. While the Settlement Act did limit certain aspects of the Nation's authority, it affirmed our inherent authority to govern internal tribal matters, free of State interference, in keeping with long-standing protections recognized in federal Indian law and policy.

Maine Attorney General Dick Cohen acknowledged some of this intent:

"I cannot promise you that the adoption of this settlement will usher in a period of uninterrupted harmony between Indians and non-Indians in Maine. But I can tell you, however, that because we sat down at a conference table as equals and jointly determined our future relationship, in my view there exists between the State and the tribes a far greater mutual respect and understanding than has ever existed in the past in the State of Maine." (U.S. Senate Select Committee Report, p. 164)

Instead of acknowledging the Settlement as an arms-length agreement between equals, the State has sought to use the Settlement as a sword to diminish tribal sovereignty. The Nation and the State have been in some form of litigation for at least half of the 36 years under the Settlement. This is clearly not what Congress intended when it enacted the Settlement Act.

In recent years, the State, through its elected officials, has sought to diminish the Nation's authority through a narrow interpretation of the Settlement Act. The State has repeatedly interpreted the Act to prevent the application of federal laws that benefit Indian tribes from

working for the benefit of Tribes in Maine. The State's interpretation of this provision clouds the Nation's ability to provide important services to our people.

In 2013, Congress enacted two laws to benefit all federally recognized Indian tribes. The first authorized tribes to submit emergency and disaster declarations directly to the President to address natural disasters on Indian lands. The second law, the 2013 Reauthorization of the Violence Against Women Act (VAWA), clarified that all tribes have authority to investigate and prosecute crimes of domestic violence committed by non-Indians. These laws empower the ability of tribes to locally determine how to best address community needs. Neither law takes authority away from the State or limits State resources. Despite these facts, the Maine Attorney General has publicly opposed applications of both laws to Maine Tribes. With specific regard to VAWA, the Maine Legislature recently informed us they will not work with Penobscot to implement provisions that would protect Native women on the Penobscot Reservation.

The State's interpretation of the Settlement Act directly conflicts with Congress' clear policy that that federal agencies must treat all federally recognized tribes equally and that in no case can a federal agency diminish the privileges or immunities available to the Indian tribe relative to other federally recognized tribes. 25 U.S.C. Section 476(f)-(g) (1994).

The already difficult Maine-Tribal relationship significantly deteriorated over the past year. On April 16, 2015, weeks after I testified before this Subcommittee, Maine Governor LePage revoked his own 2011 executive order that recognized tribal sovereignty and sought to promote cooperation and respect between Tribes and the State. Adding to this insult, Mr. LePage has threatened to send the National Guard on to Indian lands in Maine to enforce state fishing laws. He has also publicly opposed the recommendations of the June 2015 Report of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission, which investigated abuses of the child welfare system by state agents who systematically removed children from Indian households.

The State continues to challenge the Penobscot Nation's authority within the Penobscot River, which is central to our territory, culture and very existence. The Settlement Act reaffirms the Nation's sustenance fishing rights, and the State has acknowledged the Nation's authority in prior Attorney General opinions. We remain engaged in an ongoing legal battle for these rights.

In sum, there is simply no appetite on the part of the State for the recognition of tribal sovereignty in any practical way. These and other factors led the Penobscot and Passamaquoddy Tribes to withdraw our delegates to the Maine Legislature in May of 2015. The Penobscot Nation has sent a delegate to the Maine Legislature since 1823. Because of the repeated attacks on our sovereignty, the Penobscot Nation made this difficult decision and instead chose to focus on our own path towards self-governance and self-determination. Despite these struggles, the Penobscot Nation continues to participate in the MITSC with a renewed commitment to the development of mutually beneficial solutions for all people who live in the State of Maine.

**REQUEST:** As a party to this Settlement, the Nation again requests that Congress take an oversight role to investigate the impacts of the Settlement Act upon the Tribes of Maine.

Mr. SIMPSON. Thank you, Mr. Francis.  
Mr. Harris.

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THURSDAY, MARCH 17, 2016.

## CATAWBA INDIAN NATION

### WITNESS

#### WILLIAM HARRIS, CHIEF, CATAWBA INDIAN NATION

Mr. HARRIS. It is an honor to be before you once again. I don't know if you really know this, but when Indian Country usually comes before you, we come at our expense, you know. It's an expense of the tribe to come before you and make requests. So keep that in mind when you're doing appropriations if you want to see us back again. [Laughter.]

So I'd like to read: "I am one of the lingering survivors of an almost extinguished race. Our graves will soon be our only habitations. I am one of the few stalks which still remains in the field after the tempest of the Revolution has passed. I fought the British for your sake. The British have disappeared, nor have I gained by their defeat. I pursued the deer for subsistence. The deer are disappearing and I must starve. God ordained me for the forest, and my ambition is the shade, but the strength of my arm decays, and my feet fail me in the chase. The hand which fought the British for your liberties is now open for your relief. In my youth I bled in battle that you might be independent. Let not my heart in my old age bleed for the want of your commiseration."

Those were the words of Catawba chief, Peter Harris, when he petitioned South Carolina legislators. It seems to me still those same words can be spoken today as they were spoken after the Revolution. A lot has changed in this country, but with that change came a loss for Indian Country.

So when we talk about the 567 federally recognized tribes, we don't come to you asking. We come to you wanting for you to live up to the agreements that were made, to honor what we have honored, and to be a part of what was history, to have your words mean what they were meant to mean as we have our words mean what they were meant to mean.

We come together as a small band of people in America as a whole when you look at us. Our numbers aren't great. You can thank to the smallpox that, since we're on St. Patty's Day, so if you want to bring that one back to light. For the European disease that came with you when you came. It wasn't that you destroyed us. It was the disease that you brought with you that destroyed us.

So when we come here, there are many needs within Indian Country, many, many needs. As we said, you have 567 federally recognized tribes, and the diversity amongst those tribes is staggering alone. So when we stand before you without hat in our hand because we're too proud to do that, all we're asking is that you actually listen to the words, to Chief Francis, to Rose, to the people who sit before you and tell you the situations that are happening in Indian Country.

There are many things that plague this country, but yet we will seek to uphold other nations beyond our borders, to raise their level of integrity within the world. But yet we will bypass our own within our old borders. And I think that's one of the saddest things you can say about America is that we'll push to raise other countries to a higher level, but we'll bypass the first citizens of this Nation, our first people because we weren't citizens until many, many years later.

So let's go back to what Chief Francis said, the settlement agreements within Indian Country. It is time for the Federal government to actually come back to the table with these restricted settlement tribes because within the Constitution it clearly says all tribes will be treated equally. And restricted settlements tribes are not treated equally.

Congresswoman, you and I use the word "second-hand sovereignty," and you asked me to define that. What that means is that we as an independent nation under the Federal government have the State of South Carolina with its foot on our neck willing to sever at any time. That's what second-hand sovereignty is, and that's what we live under, and that's what Chief Francis and his people live under.

So, you know, when it comes to looking at what needs to be done, look hard. I don't envy you in your position of all the hard decisions you have to make. But everyone who has come into this room comes to you with not a want, but truly a need.

I thank you for this time.

[The information follows:]

**Testimony of William Harris  
Chief, Catawba Indian Nation  
Before the  
House Interior Appropriations Subcommittee  
FY 2017 Federal Indian Programs Budget  
Thursday, March 17, 2016**

**"I am one of the lingering survivors of an almost extinguished race. Our graves will soon be our only habitations. I am one of the few stalks which still remain in the field after the tempest of the Revolution has passed. I fought the British for your sake. The British have disappeared nor have I gained by their defeat. I pursued the deer for subsistence; the deer are disappearing and I must starve. God ordained me for the forest, and my ambition is the shade; but the strength of my arm decays, and my feet fail me in the chase. The hand which fought the British for your liberties is now open for your relief. In my youth I bled in battle that you might be independent; let not my heart in my old age bleed for the want of your commiseration."**

Catawba Chief Peter Harris, Petition to the South Carolina Legislature

**Catawba Recommended Funding Levels:**

TPA - Community and Economic Development

Subactivity - Job Placement and Training - \$12,504,000

Subactivity - Economic Development - \$5,000,000

Subactivity - Community Development Oversight - \$7,000,000

**Introduction.** On behalf of the Catawba Indian Nation, a federally recognized tribe located in South Carolina and North Carolina, thank you for this opportunity to testify before the House Interior Appropriations Subcommittee. My name is William Harris. I am the Chief of the Catawba Indian Nation. In the past, this Subcommittee has offered my tribe support in addressing budget and audit issues with the Bureau of Indian Affairs. Your support means a great deal to the Catawba people and on their behalf you have our heartfelt "thank you!"

**Support for Economic Development for Smaller Tribes.** I would ask that this Committee look at ways to support economic development initiatives for smaller tribes that have not benefitted significantly from gaming. Only through economic development can we lift our communities out of poverty and have the hope that the next generation of Catawbans will know a more prosperous life than this generation. I have listed above particularly relevant programs of the Bureau of Indian Affairs, along with proposed funding levels that are relatively small, but approximately twice current funding.

**Achieving Self-Sufficiency.** It is the goal of the Catawba Indian Nation to achieve economic self-sufficiency and to lift our people fully out of poverty. The most recent Census data shows that 24.3% of all Catawba families live in poverty; even worse, 57.6% of female-led households with children are in poverty. The overall unemployment rate among the reservation population is 13.6%, nearly three times the national average.

Our Settlement Act specifically refers to the “policy of the United States to promote tribal self-determination and economic self-sufficiency” and it is about fulfilling this promise of support for economic self-sufficiency that I appear before you today. The limitations in our Settlement Act significantly inhibit our ability to achieve economic self-sufficiency. We do not have the same gaming rights that other tribes have. As a result, we cannot lift ourselves out of poverty by taking one or two simple measures. Rather, we have to build an economy with a comprehensive approach from the ground up, which means not only creating tribally owned businesses, but also encouraging private entrepreneurship. It also means providing everything from loans and grants to our members to providing transportation so people can get to work. The Tribe maintains a transportation program to get tribal members to work centers and has had a summer program for tribal youth in which they get training in life and job skills. The Tribe also seeks to continue a job training and placement program to assist Indian people to acquire the job skills necessary for full time satisfactory employment. Within that framework, the program provides testing, vocational counseling or guidance to assist program participants to make career choices relating personal assets to training options and availability of jobs in the labor market. This Federal program includes vocational counseling and employment services both on-reservation as well as in communities near reservations.

**Land Acquisition Funding.** The Catawba Indian Nation is seeking to make additional land purchases, where we can and when we can afford them. In this regard, it would be helpful if the Committee supported funding for land acquisitions for smaller tribes.

**History of the Catawba.** Since time immemorial the Catawba have lived in the Piedmont generally and along and upon the Catawba River specifically. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad, eels and other fresh water species, and farming corn, beans and squash. The tradition of pottery making among the Catawba, unchanged since before recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and river we love. No less today, the sovereignty of the Catawba Indian Nation and our survival as a distinct people upon the earth is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth, and have been shaped and fired over time and so have survived many hardships to provide a living testament to our ancestors and to this place we call home.

The Catawba world was transformed by contact with European explorers and colonists. The Catawba's first encounter with Europeans was with the Spanish explorer Hernando de Soto, in 1540, and then with Juan Pardo in 1566. The Europeans brought guns, which made hunting easier, but they also brought disease, including small pox, which repeatedly

decimated the tribe. Encroachment by settlers reduced Catawba lands. In 1760, the Catawbas entered into the Treaty of Pine Hill with the British authorities, which established a 15-mile square reservation in South Carolina. Although the Catawba honored the treaty, the Government of South Carolina and white settlers did not, encroaching further upon Catawba land such that by 1826 only a small number of Catawbas remained, occupying one square mile.

Notably, during the Revolutionary War, the Catawba Indian Nation stood with the American colonists in their struggle for independence from the dictatorial mandates of King George III. Catawba scouts accompanied then-General George Washington on many of his campaigns. Ever since, the Catawbas have always answered the call of country, living up to their half of the Tribe's government-to-government relationship with the United States - and we will continue to do so.

Regrettably, in 1959, the Congress enacted the Catawba Tribe of South Carolina Division of Assets Act which terminated the tribe's Federal recognition and liquidated the tribe's 3,434 acre reservation.

After a long struggle, and only after the tribe threatened to invoke its treaty rights to 225 square miles of South Carolina, did Congress act in 1993 by passing the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, which restored the trust relationship between the Catawba Indian Nation and the United States. This law also had the effect of settling treaty-based Catawba land claims and other treaty-based rights on terms highly favorable to the State of South Carolina and the State of North Carolina.

Today, the Catawba Indian Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by most federally recognized Indian nations. Under the terms of our Settlement Act we possess what I would term "second class tribal sovereignty." The state government has enormous civil and criminal jurisdiction on our lands, far in excess of that commonly accorded to states over other tribes. In the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to two bingo halls (after an 8-year hiatus we will re-open one bingo hall in the next month or so) and electronic play devices on our reservation, if the state "authorizes" them anywhere else. Since the State authorizes casino cruise ships, we believe that we can have similar games on our reservation; however, the South Carolina Supreme Court ruled that although the State exercises extraordinary authority over the casino cruise industry, with boats operating out of South Carolina ports, and various taxes and regulations imposed, that is not the same as "authorizing" the games. There is a pattern in the South Carolina courts: Catawba always loses.

That pattern is evident at a larger level, as well. We settled a large land claim with the State of South Carolina, and gave up treaty-based rights in both North Carolina and South Carolina for the promise of a reservation of up to 4,200 acres. Twenty years later, our reservation is only 1,006 acres and our ability to add further lands has largely been

thwarted by a combination of state and local action, as well as private party action that greatly inhibits the Tribe from acquiring lands or from acquiring it at a reasonable price.

**Conclusion.** I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and, indeed, for all Native peoples is greatly appreciated and truly in the best traditions of the government-to-government relationship.

Mr. SIMPSON. Thank you.  
Mr. Patterson.

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THURSDAY, MARCH 17, 2016.

**UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY  
PROTECTION FUND**

**WITNESS**

**BRIAN PATTERSON, PRESIDENT, UNITED SOUTH AND EASTERN  
TRIBES SOVEREIGNTY PROTECTION FUND**

Mr. PATTERSON. Good afternoon. I thank the chief for his comments. It reminded me of the time when I was in Turkey, and I sat on a podium in front of 500 people through translation from the vice president of the International Special Olympics. He said to me, we know Indian people are not needy people, but are people with needs. And I thought that was so profound. It just about brought me to tears in front of that audience that I had to come all this way to hear such a profound comment I don't even hear within my homeland.

Good afternoon. So there's a little story, Chief Francis, just illustrating your point.

Vice Chairman Simpson, good to see you, sir. Ranking Member McCollum, subcommittee members, I applaud you for holding this, and committing to hold this Native American public witness hearing, and thank you for allowing me to share some time with you.

My name is Brian Patterson. I've served my people for 30 years on our nation's council, Bear Clan representative. I've served the needs of my 26 tribal nations of the United South and Eastern Tribes in our new outgrowth of the Sovereignty Protection Fund. We are located from Texas to Florida to Maine. Our tribal nations have great diversity not only in our cultural teachings, our land-holdings, our resources, economies, but as well as our social circumstances.

The Congress and all the branches of the Federal government hold sacred trust responsibilities, and that obligation is to all tribal nations. These responsibilities and obligations should be viewed with a level of honor and respect that reflects the unique status of the diplomatic relations that exist between the U.S. and tribal nations. We applaud this subcommittee's strong longstanding commitment. However, Indian funding continues to fall short of these trust obligations.

In the short term, we urge the subcommittee and this Congress to uphold our to top line spending levels committed for Fiscal Year 2017 in the 2-year budget deal passed last October. Now, in the long term, we believe that as long as the execution of the trust obligation remains on the discretionary side of the budget, the tribe responsibility will simply go unfilled. The trust responsibility is not discretionary. Therefore, funding for Indian Country should be achieved via mandatory spending.

I thought rather than more data and numbers, it's a tough time in the afternoon, and, boy, at home I can hardly stay awake during this time of day. So I thought I'd share with you the gravity as shared from the USET Tribal Nation family.

Recently, a tribal citizen went to a tribally operated health facility a number of times over a 4- to 6-month period complaining of stomach pains. Because the facility was unable to approve a referral for more testing, they would treat her for a UTI and send her home. Eventually she ended up in a non-Indian, non-tribal ER, emergency room, where she found out she had stage 4 stomach cancer. I'm sad to say with a heavy heart, she died a little over 2 weeks later.

Inadequate funding is simply taking the lives of our people, and we hear the horror stories from coast to coast across Turtle Island. The truth of the reality is both unconscionable and unacceptable.

While we support the President's Fiscal Year 2017 request for Indian Health Service, we urge this subcommittee to consider even higher levels of funding for Indian Health Service. Continued failures at this Agency can be attributed, at least in part, to persistent under funding of Indian Health Service.

We were pleased to learn that each of our top five priorities, items within the Indian Health Service, received increases for the President's Fiscal Year 2017 budget request. However, with the exception of hospitals, and clinics, and contract support costs, under funding in these areas remain a major problem for Indian Country.

We support the Administration's efforts to continue to request increases for the Bureau of Indian Affairs. We encourage this subcommittee to appropriate levels consistent with the President's Fiscal Year 2017 budget request at a higher level for the BIA.

The President's budget request includes an increase of just \$2.6 million for tribal courts, a top priority. While we thank Congress for its recent gains in the recognition of our inherent sovereign authorities and rights, many tribes do not have adequate funding to assume these new authorities. Funding needs to be available to implement these laws as Congress has intended.

Education, key to our survival as a people and is central to all of our efforts within the USET SPF family. Concerning BIE, we believe that increased accountability, better tribal control, greater funding for early childhood development, enhanced language and cultural programs, and improved teacher quality will result in a better outcome for all of our students.

In addition to these specific requests within IHS and BIA, we'd like to also speak on the following issues briefly, if I may. Briefly. We were thrilled when congressional appropriators included in Fiscal Year 2016 omnibus a new designation for contract support costs. Thank you. We urge this subcommittee to preserve this new designation for CSC. However, in Fiscal Year 2016, some language was included that could be misread or in conflict with ISDA. We ask that this language be removed. Additionally, we continue to support proposals that would designate its CSCs as mandatory funding rather than discretionary.

As Chief Francis spoke a moment ago on opioid abuse as a persistent and growing problem in our country, we find that especially true within the home territories of our USET Tribal Nations. President Obama has designated \$1.1 billion in his budget request to address this problem. We request that tribes be made eligible and have access to a tribal-specific set aside for any funding that is appropriated on the President's plan. Additionally, we request that

this subcommittee provide funding for a multistate IHS prescription drug monitoring program, and increased funding to the BIA's Drug Enforcement Program.

While we are supportive of the President's Coastal Climate Resilience Program and the need for a focus on our Alaska circumstances, we also note that the majority of my USET Tribal Nations are coastal nations. These tribal nations live in proximity to coastal areas, and are experiencing the effects of climate change. For example, the Shinnecock Tribe on Long Island, an island nation tribe, has experienced coastal erosion at a greater rate than they've ever experienced before, so much so it's threatening one of their prime cemeteries where the bones of their ancestors lie.

Hurricane Sandy and Katrina also had tremendous impacts on our nations. Our communities will be well served with access to this funding, and we request this subcommittee to consider increased diversity for set asides in this funding so that we can hold our own end of the trust responsibility.

Thank you, sir.

[The information follows:]



**Testimony of President Brian Patterson**  
**United South and Eastern Tribes Sovereignty Protection Fund**  
**House Appropriations Subcommittee on Interior, Environment, and Related Agencies**  
**FY 2017 Native American Public Witness Hearings, March 17, 2016**

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for allowing me to be here today and for committing to hold Native American Public Witness Hearings in spite of this year's compressed legislative schedule. My name is Brian Patterson. I serve as President of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF). I am also Bear Clan Representative to the Oneida Indian Nation Men's Council and Clan Mothers.

USET SPF represents 26 federally-recognized Tribal Nations from Texas to Florida to Maine. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains Region of the Bureau of Indian Affairs and the Nashville Area of the Indian Health Service, covering a large expanse of land compared to other regions. Due to this large geographic area, USET SPF Tribal Nations have great diversity in cultural traditions, land holdings, and resources. From an economic standpoint, some of our Tribes have highly developed economies, while others remain mired in poverty.

Regardless of Tribal economic status, this Congress and all branches of the federal government hold sacred fiduciary trust responsibilities and obligations to all Tribal Nations, which are upheld through treaties, statute, and case law. These responsibilities and obligations should be viewed with a level of honor and respect that reflects the unique status of the diplomatic relations that exist between the U.S. and Tribal Nations. While USET SPF applauds this Subcommittee's strong, long-standing commitment to Indian Country, Indian funding continues to fall short of these fiduciary trust obligations. In the short-term, we urge this Subcommittee and this Congress to honor or increase the topline spending levels committed to for Fiscal Year (FY) 2017 in the 2-year budget deal passed last October. These levels have the potential to provide modest, but sorely needed, increases to federal Indian programs that will assist in strengthening Tribal Nation communities and the overall health and well-being of Tribal citizens. Any increase in spending on obligations to Tribal Nations puts the federal government a step closer to fully delivering on its trust responsibility.

In the long-term, USET SPF firmly believes that as long as the execution of the fiduciary trust obligation remains on the discretionary side of the budget, and therefore subject to the unpredictability of the current appropriations process, the trust responsibility will go unfulfilled. The trust responsibility is not discretionary; therefore, these dollars should be distributed via mandatory spending. We strongly encourage this Subcommittee to consider how this might someday be achieved.

**Indian Health Service:** While USET SPF supports the President's FY 2017 request for the Indian Health Service (IHS) of \$5.18 billion, we urge this Subcommittee to consider even higher levels of funding for IHS. A number of the failures revealed during a recent Senate Committee on Indian Affairs hearing can be attributed, at least in part, to the systematic and persistent underfunding of IHS. Although Congress has appropriated additional funding for IHS in recent years, the costs of health care continue to increase and the agency remains funded at just 59% of demonstrated need. Historically, IHS funding levels have not kept pace with inflation, both medical and non-medical. Financial barriers lead to poor health outcomes and severe health disparities in Indian Country. We urge this Subcommittee to fully fund fixed costs.

USET SPF was pleased to learn that each of its top 5 priority line items received increases in the President's FY 2017 budget request. These priority line items are as follows:

- **Hospitals & Health Clinics (H&C):** Funding for Hospitals & Clinics (H&C) remains a top Tribal budget priority. H&C funding supports essential personal health services including inpatient care, routine and emergency ambulatory care, medical support services and important community health initiatives.
- **Purchased/Referred Care (PRC):** IHS and the Tribes serve primarily small, rural populations and provide mainly primary care and community health services. Much of the secondary care, and nearly all of the tertiary care needed, must be purchased from non-IHS facilities.
- **Alcohol/Substance Abuse:** The abuse and misuse of substances is at epidemic levels within the USET SPF Area and the limited dollars available do not provide our citizens the adequate care they need.
- **Mental Health:** Behavioral Health, including Mental Health, is also a top Tribal health priority. The high incidence of mental health disorders, suicide, violence, and behavior-related chronic diseases is well documented. Each of these serious behavioral health issues has a profound impact on the health of individuals and community health, both on- and off-reservation.
- **Contract Support Costs (CSC):** USET SPF's fifth priority is the full funding of CSC, which we will discuss later in this testimony.

However, with the exception of H&C and CSC, levels proposed for our other top priorities continue to fall short of the levels requested by our Area, as well as the IHS Budget Formulation Workgroup. Though we appreciate and support proposed new mandatory funding and pilot programs for issues such as substance abuse and behavioral health, these line items remain underfunded on the discretionary side of the budget. The underfunding of PRC, in particular, remains a persistent problem in Indian Country. At current funding levels, most IHS and Tribal PRC programs are approving limited services beyond medically emergent referrals, and less urgent, routine or preventive care must be deferred or denied pending additional appropriations. In the meantime, the pain associated with any pending operations or other health issues is often managed with opioid medication. In FY 2015, IHS estimates that it denied 132,000 necessary PRC services to American Indian and Alaska Native (AI/AN) patients due to lack of funds.

In addition to existing line items, we request that this Subcommittee seek to provide funding for new authorities under the permanent reauthorization of the Indian Health Care Improvement Act (IHCA). Passed in 2016, IHCA contained the authorizations for a number of new, but necessary, programs and services for provision by the IHS and Tribal Nations, including the ability to provide dialysis, behavioral health services, and prescription drug monitoring. A majority of these new programs and activities, while authorized, remain unfunded by Congress.

**Bureau of Indian Affairs:** USET SPF supports this Administration's efforts to continue to request increases for BIA. Though the only agency within DOI charged with direct services to people, BIA has, historically, received lower percentage increases than other agencies at DOI. Recent budget requests are seeking to correct this disparity. We encourage this Subcommittee to appropriate levels consistent with the President's FY 2017 Budget Request, or higher, for the BIA.

Representatives from USET and USET Member Tribal Nations serve on the Tribal Interior Budget Committee (TIBC), the body that advises BIA on its budget. With nearly 150 different line items to evaluate,

this is no small task. Unfortunately, under the FY 2017 budget formulation process, Area representatives were asked to list only their top five priorities for funding. This forced Tribal Nations to make impossible choices. USET is working with BIA to change this process, which now includes the distribution of an 8% increase for FY 2018. As a part of improvements to the process, we support BIA's data initiative as an initial step, which will provide greater support and substantiation for Indian programs within the agency. Through its work with TIBC, USET SPF has identified the following top 5 priority line items for BIA funding:

- **Tribal Courts:** Following recent jurisdictional gains, need for Tribes to have strong judicial systems has drastically increased. Lack of Tribal Court funding leaves Tribes vulnerable as they may lack the capacity to prosecute offenders.
- **Indian Child Welfare Act (ICWA):** Although ICWA recognizes the Tribes' inherent sovereign right to make decisions pertaining to Tribal children, many Tribes are unable to fully exercise this right due to lack of funding. Many Tribes have funding to employ only 1 case manager, and so additional funding is needed to employ additional staff, such as case managers, investigators, and legal counsel.
- **Housing Improvement:** Various reports indicate approximately 40% of on-reservation housing is considered inadequate and yet, this line item remains severely underfunded. In the USET SPF region alone, unmet need totals several million dollars.
- **Social Services:** With a poverty rate of 23.9% in Indian Country, the services provided by Tribal Social Services Department are often a difference between life and death. To fulfill a more comprehensive service delivery approach, additional Tribal social workers and supportive costs are needed.
- **Aid to Tribal Government:** Aid to Tribal Government is one of the largest BIA programs contracted and compacted by the Tribes in the USET SPF Region.

Many of USET SPF's Priority line items are funded through the Tiwahe Initiative. USET supports the Tiwahe Initiative's aims wholeheartedly. However, USET requests that the Tiwahe pilot programs be expanded to include more regional and circumstantial diversity, including USET SPF member Tribal Nations.

The President's Budget Request includes an increase of just \$2.6 million for Tribal Courts, which is USET's top priority line item. The 300 Tribal Courts and 7 courts of Indian Offenses desperately need additional funding in order to effectively manage current caseloads and recent jurisdictional gains. For Tribal Nations to fully exercise new authorities, their courts need to comply with costly requirements. Currently, many Tribes do not have adequate funding to abide by these requirements and will not be able to assume new authorities. In addition, we were disappointed to see that funding for Tribal Law Enforcement is reduced under the President's Budget Request. As Penobscot Police Chief Bob Bryant testified during a meeting of the President's 21<sup>st</sup> Century Task Force on Policing, "when looking at Tribal law enforcement agencies across the nation, it is typical to have only one officer per shift with a ratio of not more than 2 officers per 1,000 residents."

**Bureau of Indian Education:** USET supports BIE's Blueprint for Reform. We believe that increased accountability, better Tribal control, greater funding for early childhood development, enhanced language and culture programs, and improved teacher quality will result in better outcomes for our students. VIA the TIBC process, USET SPF has also identified its top 5 Priorities for BIE funding:

- **Scholarships & Adult Ed**
- **Early Childhood Development**
- **Education Program Enhancement**
- **Johnson O'Malley**
- **Tribal Grant Support Costs**

**Contract Support Costs:** USET SPF was thrilled when Congressional appropriators included in the FY 2016 omnibus bill a separate line item and indefinite appropriation for CSC at both IHS and BIA. USET SPF urges the Subcommittee to preserve this new designation for CSC in FY 2017 and future appropriations bills. However, we disagree with the proviso that was included in the FY 2016 appropriations language and which is also included in the Administration's proposed FY 2017 budget, which states: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years." This proviso is concerning to us because it could be misread to effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. We ask that the proviso be removed for FY 2017 and not included in future appropriations for CSC. Additionally, USET SPF continues to support proposals that would designate CSC as mandatory funding rather than discretionary. This includes the proposal that appears in the FY 2017 President's Budget request, which would make funding for these legal obligations mandatory, beginning in FY 2018.

**Opioid Abuse:** As with many other communities nationally, opioid abuse is a persistent and growing problem in Indian Country, including within the USET SPF area. President Obama has designated \$1.1 billion in the FY 2017 budget request to address and prevent opioid addiction in America. However, the bulk of this new mandatory funding would be directed toward states. In order to ensure that Tribal Nations are properly equipped to fight this epidemic, USET SPF requests that Tribes be made eligible and have access to a Tribal-specific set aside for any funding that is appropriated under the President's plan. Additionally, we request that this Subcommittee provide funding for a multi-state IHS Prescription Drug Monitoring Program within IHS' Resource and Patient Management System and increase funding to the BIA's drug enforcement program. In the USET SPF area, there are currently only 7 Tribal Drug Enforcement agents assigned to provide services to 30 Tribes. Our Tribal chiefs of police have called for additional assistance to prevent drug trafficking in our communities.

**Climate Change:** While USET SPF is supportive of the President's Coastal Climate Resilience Program, and the need for a focus on Alaska's circumstances, we note that USET SPF Tribal Nations also live in coastal areas and are experiencing the effects of climate change. In addition to Alaska Native communities, our communities would be well-served with access to this funding. We request that this Subcommittee consider increased diversity for set asides in this funding.

**Policy Proposals:** USET SPF supports the following legislative/policy proposals as they appear in the President's FY 2017 Budget Request:

- Permanent reauthorization of the Special Diabetes Program for Indians
- Medicare-like Rates for Non-hospital services purchased by IHS and Tribes
- 100% FMAP [federal match] for Health Care Services delivered to AI/AN Medicaid patients through IHS/Tribal facilities
- A fix to the multiple definitions of Indian that appear in the Affordable Care Act
- A fix, once and for all, to the Supreme Court decision in *Carcieri v. Salazar*

Mr. SIMPSON. Thank you, and thank you all for your testimony today and for being here. We appreciate it, and we know you come at your own expense, and we do not pay for it.

Mr. HARRIS. You heard that.

Mr. SIMPSON. Yes, we did.

Mr. HARRIS. Okay.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank you for your words, Mr. Harris. What can I say about Maine? I am just heart-sick at the way that the State is acting, especially on the VAWA grant. You were selected, and you could not even move forward because the State blocked you. And that to me was just unconscionable.

I want to thank you for bringing up climate change. We heard about it this morning from the Seattle folks. I was in Alaska and heard from the University of Alaska, and met with some Alaskan Natives there about what is happening. Their housing is just falling literally off the cliff as the ice dissipates. Climate change is going to affect timber. It is affecting salmon. It is affecting a way of life. I do not think many of our colleagues really realize that some people not only know it is happening, it is happening to them. So thank you for bringing it up.

That is more of a comment than a question, but thank you for your testimony today.

Mr. SIMPSON. Mr. Cole.

Mr. COLE. Well, first, let me apologize. I had to step out. I missed all of Mr. Harris' testimony and some of Mr. Patterson's, and Mr. Francis. And I just want to thank you guys for coming down here and not just in front of this committee. I know how often you are down here advocating for your people, and when you do that, you end up for advocating for all of Indian Country. And it is extremely helpful and educational.

There is nothing in here that I cannot be supportive of obviously, but I will add this for Chairman Calvert again. I am going to make this point probably several times. And this committee, we have made a really fairly good effort to work across the aisle repeatedly, and I want to thank my friend, Ms. McCollum. Nobody could have done more.

Indian health, for instance, up 54 percent since 2008, and that is driven largely by this committee. And for a number of years, I think for at least the first 4 of those years, we actually put more in Indian health than the President's asked for, and that is no criticism of him because he was asking for increases. So we know there is a challenge.

This year we have got sort of a flat top line budget, and the President has inflated a number of these budgets by putting in mandatory funding as opposed to discretionary. We only have jurisdiction over discretionary, so when you get the President's account, he has got money in there that, frankly, I do not think he is likely to get. But even if he could, we do not have the authority to get it. So that is going to be the challenge, although I know this committee will, as it always does, make this one of its very, very highest priorities. I mean, really we all care about this, Democrat and

Republican alike. We all know that for a lot of years, many decades and decades, I mean, it just did not get the attention it deserved.

And so, I want to thank, again, each of you for what you are doing to educate us and educate the broader society. A lot of the progress we have made in recent years has been because people just kept working, you know. And I want to thank the President. I do not want to be critical of him because he has done an exceptional job compared to previous presidents in this area, he really, really has, and he deserves a lot of credit. But I think we are going to have some challenges just because of that mixture of mandatory and discretionary money here, and some hard decisions by the committee.

But you are more likely to benefit than most from those decisions. I yield back.

Mr. SIMPSON. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair. Thank you very much for your thoughtful testimony, and lots of wonderful things you had to say. And we appreciate your being here.

I guess first I just want to ask if we could enter into the record the recent news story about the Penobscot Tribe's wellness court that Chief Francis mentioned.

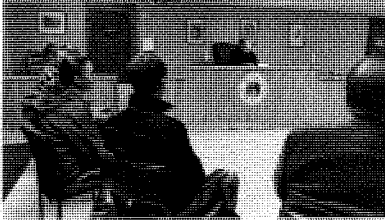
Mr. SIMPSON. Without objection.

[The information follows:]



## In Tribal Wellness Court, 'They Care So Much About You'

By [Susan Sharon](#) • Nov 6, 2015



A prosecutor, defense attorney, spiritual advisor, clients and social workers sit in a semicircle for meeting with Judge Eric Mehnert.

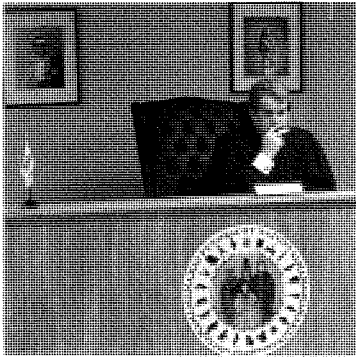
Susan Sharon / MPBN

INDIAN ISLAND, Maine — As communities around the country look for ways to combat an opiate epidemic that shows no signs of letting up, drug treatment is increasingly part of the equation.

For years, state drug courts have incorporated treatment as a way to reduce drug-related crimes, save money and help nonviolent offenders become more productive.

Tribal Wellness Court takes that concept a bit further. Intensive supervision is still essential. But probation officers have been replaced by social workers, tribal elders and spiritual advisors.

In a small courtroom on the Penobscot reservation on Indian Island, it's difficult to tell the prosecutor from the public defender or the case manager from the tribal elder or the drug counselor from the spiritual advisor. That's because this is Wellness Court, and these are members of the same team.



Here, everyone, including several defendants charged with minor crimes, sits in a semicircle facing the judge. After each defendant gives an update about how they're doing, each member of the team weighs in.

Judge Eric Mehnert  
Credit Susan Sharon / MPBN

"I just want you to know how much I love you," Matthew Erickson, tribal prosecutor for the Penobscot Nation, tells a defendant. "And I really hope for the best for you. You've really had a great, positive impact on my life. I really look up to you."

"Thank you," the defendant says.

Erickson's words would seem vastly out of place in most other courtrooms. The defendant is feeling discouraged about being unable to find a job.

"I was so lifted up when you said, 'You know, in the old days I would have gone and got high,'" Erickson says. "And you didn't do that. So, to me, that's success."

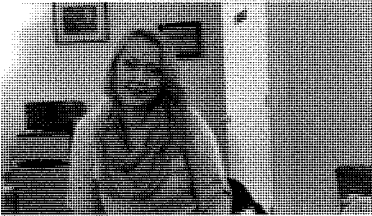
Wellness court is intended to be more therapeutic than punitive.

"Jail is only a sanction when we see that there is some kind of intent," says Chief Judge Eric Mehnert.

He says a guiding principle is that behavior can only change with positive reinforcement.

There are still consequences for screwing up. If participants violate their court orders, they do get sanctioned. But Mehnert says jail is usually a last resort.

"The concept behind it is that the criminal behavior isn't the problem, it's a symptom of the problem," he says. "The substance abuse, which often underlies the criminal behavior, isn't the problem, it's a symptom of the problem. What's underlying all of that is some kind of unresolved trauma that needs to be addressed."



Naomi Nicholas  
Credit Susan Sharon / MPBN

"I was an active heroin addict — IV-use drugs," says Naomi Nicholas, 24. "I was dealing and selling drugs and I had a warrant out for my arrest for unpaid fines and child support."

Eventually Nicholas was arrested and sent to the Penobscot County Jail, where she says she went through detox and tried to kill herself by swallowing some pencils. Months later she's participating in Wellness Court, where she has completed one residential treatment program and been accepted at another that's exclusively for Native Americans.

She's early in her recovery but says she's getting the help she needs from the Wellness team.

"They care so much about you," Nicholas says. "Even the prosecutor, the judge — like you see when I'm doing good in the program and his face lights up and he's smiling and he's happy and everybody's happy — like the support there is just amazing."

Nicholas has rediscovered her love of baking along with other joys that she lost while she was using drugs. She plans to go back to school to get her GED and spend more time with her son.

Until now, she says the odds of having a future were against her.

"If I wouldn't have come to Wellness Court I'd probably be dead in a ditch somewhere overdosed or in some drug house in Bangor, you know, like not caring about anything," Nicholas says. "I'm pretty sure it would have killed me."

"Many people that come through the court system feel alone and lost and have very little guidance in their life," says Penobscot Chief Kirk Francis. "I think the court spends a significant amount of time trying to provide that."

He says the inclusion of talking circles, mediation and culturally based treatment in Wellness Court strengthens the bond between tribal members and their community. Also, more productive, he says, is using the carrot rather than the stick.

"And I think if you're really truly looking to be effective and not continuously punish people, I think this is the approach that should be taken," Francis says.

On a small scale, the Penobscot Nation's Wellness Court is getting results. Of the 8-10 defendants enrolled each year, Mehnert says about 67 percent complete the program, which is now more than five years old.

"And what that means is that individuals who graduate from our program, about 67 percent, do not find themselves back in trouble with the law," he says. "And that's opposed to the national statistic that says if someone is just incarcerated or processed through the system — only about 33 percent of those don't find themselves back, so we're double the rate and at significantly less cost."

It costs about \$7,000 to manage each client in the Wellness program. That compares to about \$30,000 dollars for a year of jail.

Erickson is well aware of the costs and benefits of both models. For many years he worked for the Maine attorney general's office as a member of the Maine Drug Task Force.

"I loved that job," he says. "It was a great job. I loved going after people and the goal was to put 'em in jail, and I think at some time I just realized that we weren't making a lot of difference, and that's the beauty of Wellness Court or drug courts. You can see real positive changes."

And those changes, says Erickson, don't just affect one person. They affect an entire community.

Ms. PINGREE. Thank you, without objection.

And I, again, want to thank you for being here. I feel really fortunate I have been able to be on this committee. I have certainly learned a lot about tribal relations and issues that we have, and I am glad to be around so many people who are so knowledgeable about the breadth of things that happen in our country.

And my experience has really been through the Maine tribes. I was lucky enough to serve in the legislature with the delegates who came from the tribes. They are a really important part of our legislative experience. I did not realize they had been there since 1823. That is just 3 years after we became a State.

So we have all been really sad about this year and the challenges the Tribe has had. I am sorry it has been such a contentious year. And the thought that the representatives are no longer, that they do not feel welcome in our State, and that you have been through so many legal battles in the past couple of years. I know it has been really, really difficult.

I appreciate your being here to help describe some of the situation because we do have such a unique relationship. I am never quite able to put it in context of how the other tribes deal with the Federal government because it is so unusual. I hope we can do a little more to help straighten that or to help figure out ways we could be helpful.

So if you just want to take a couple more minutes to talk about some of the challenges that you face. VAWA was a really great example of something where I think this committee and others in Congress felt they were doing something useful, and then it turned out, one more program you could not even take advantage of. And do you want to just say more about that or anything quickly that you have had to be dealing with?

Mr. FRANCIS. Sure.

Ms. PINGREE. Thank you, Chief.

Mr. FRANCIS. It is scary just letting me go. [Laughter.]

Ms. PINGREE. Do not worry. They will start tapping. They will tap.

Mr. FRANCIS. But just briefly, Congresswoman, you know, we tell everybody we are in your district. We are really not.

Ms. PINGREE. It is a small State.

Mr. FRANCIS. But we figure if we say it enough, it will really happen. But she has been a tremendous advocate for the tribe, and obviously lends an ear whenever we are in town, and tries to find solutions. And we appreciate everything your office does.

And, you know, the challenges in Maine are unique, you know. We are a Settlement Act tribe and, we are not saying that good diplomacy and a dignified approach to finding common ground solutions is not important. We are committed to that, but, you know, it has been really challenging with some of the really strict kind of views on certain words and language. You know, we see these kind of words get twisted in the Carciere debate and a whole host of other things.

But in the Settlement Act, you know, there are mechanisms in the settlement that promote conversation between the State and the tribes. For instance, when acts benefit of Indians, are enacted by Congress, there is a mechanism that says a few things. It says

that if it is an internal tribal matter or it does not preempt State jurisdiction, then they apply. If they are not an internal tribal matter and they do preempt State jurisdiction, there has to be a conversation about that.

And since 1980, we have not agreement on any jurisdictional enhancements for the tribe since the signing of the Land Claim Settlement. And we are not talking about a gaming debate here or any of that. We are talking about public safety based issues, the ability to protect our territory, environmental concerns around the fishing culture. All these cultural identity based issues that you all have done a great job of putting tools in place to protect those and enhance those.

But in our educational rounds, we just want everybody to understand that that is not getting to everyone. And there are tribes out there still left unprotected, still being left behind. And our biggest concern is with all the ability and talent we have within our communities to self-govern, that we are not given the tools to do so. And that is really all we are asking to do.

So I think it is important than when you are passing laws within Congress, to maybe just give it a second to try to understand where these apply and are they getting to everyone because I think in fulfilling that responsibility to Indian tribes, this trust relationship, which is a mutual partnership, it is important to understand that tribes, if they are truly going to lift themselves up, they need access to these opportunities as well.

So thank you, Congresswoman.

Mr. PATTERSON. May I chime in as well?

Mr. SIMPSON. Quickly. We are 20 minutes behind.

Mr. PATTERSON. Is an extension of the Penobscot tribal sovereignty. USET has a responsibility to uphold and advance their interests. And I would just take note of the Penobscot police chief and his leadership, Mr. Bob Bryant there, the chief of their police department. He is also the chair of my justice committee within USET, our justice committee.

And we talk and we speak very highly of the efforts that were made within Indian Country recently, especially under jurisdictional gains within our court systems, and the need to uphold those to the highest standard of our ability. However, we know there are cost requirements.

And we also realize that the President's, and we were disappointed, the funding for tribal law enforcement is reduced under the President's budget in all actuality. But chief of police for the Penobscot Nation testified during a meeting of the President's 21st Century Task Force on Policing. He said, "When we look at tribal law enforcement agencies across the Nation, it is typical to have only officer per shift with a ratio of not more than two officers per 1,000 residents."

We have seven drug enforcement officers in the 30 territories that cover the USET family region. Only seven drug officers that are doing their absolute best. Representative Cole, I gave my best greeting, but I said [Native Language Spoken].

Mr. COLE. Very good.

Mr. PATTERSON. I got close, not close enough. But, you know, when we have programs such as the gains of Indian Health Serv-

ice, we need to be reminded that that is only functioning on 59 percent of an identified need. 59 percent functioning, right? Nowhere else in the world will that industry be standard.

Boy, last time I sat at a felt table, it was not like this. [Laughter.]

And so, I would just like to point that out that there are gains to be advanced, and USET is calling and expecting those gains, and would like to work extensively with Congress as we have. Thank you.

Mr. SIMPSON. I appreciate that, and I appreciate all of your being here today at your own expense——

[Laughter.]

Mr. SIMPSON [continuing]. And testifying before the committee, and telling the needs in the area and the things that we need to address. I should also point out before I call the next panel, as Mr. Cole pointed out, you know, this committee has worked in a bipartisan fashion for as long as I have been on the committee, which has been, I do not know, since I got on the Appropriations Committee some 14 years ago. And it has always been a bipartisan effort, and we have great working relationships with the tribes trying to make sure that we are doing the right thing.

And to the extent that we are able with the resources that we are given, increasing the funding to meet the needs that are there is a priority. We all recognize that they are not what they should be, but this committee still fights for it. The one thing we have not recognized here or thanked really is the staff of this committee that does an incredible job working with all of you as you come in. I mean, they spend more time with all of you than we do as you address the needs. And they keep us up to speed there as the Indian affairs comes under this committee's jurisdiction, and Dave is the clerk of the full committee,

We thank them because they deserve credit for what has been able to occur over the last few years in Indian Country.

Voice. Absolutely.

Mr. SIMPSON. So thank you all for being here today. I appreciate it very much.

Next Audrey Hudson. Oh, I am going to just call them up, and then you are going to introduce them.

Mr. YOUNG: Oh, okay. I wanted to make sure.

Mr. SIMPSON. Geez. [Laughter.]

The one you do not want to do is upset Don. Audrey Hudson, John Lincoln, and Nick Gasca? Gasca? John, you are right in the middle.

Mr. GASCA. Gasca, sir, yes.

Mr. SIMPSON. Gasca. And we are very fortunate, very lucky to have with us today the representative of the full State of Alaska, a friend to us all, and obviously a friend of Alaska tribes and American Indians across the country. So, Don?

Mr. YOUNG. Thank you, Mr. Chairman, and if I can, I would like to thank this committee, and for those that have testified and that that will testify. This committee is probably one of the best bipartisan committees, and have done an outstanding job. We have fought for contract costs and all these different things and made progress. Have we got to the pinnacle yet? No, we have not, but

we will try, and this committee continues to do that. We are under some restrictions, but they have been able to work around some of those restrictions and do the job, I think, adequately.

But we do have witnesses, and I am going to introduce all my Alaskans. I have another meeting. But the first of the three on our Alaskan panel is Audrey Hudson, the mayor. By the way, you have to go to Metlakatla. This is a great Native community. She serves as mayor and the tribal chair of Metlakatla Indian Community, and was elected in 2013. Tsimshian and Yupik on her mother's side and Navajo and Cherokee on her father's side. Welcome, Audrey. I am glad to have you here. By the way, this is one of the best salmon fishing areas in the State of Alaska.

We have John Lincoln, chair of the Maniilaq Association. Mr. Lincoln is the chair of the Maniilaq Association, the Regional Native Organization for Northwest Alaska. He was born and raised in Kotzebue, Alaska. Mr. Lincoln also serves as a tribal councilman and a board chairman for the Alaska Federation of Natives, the largest native organization in the State.

And Nick Gasca. Mr. Gasca is associate counsel of the Tanana Chiefs Conference. Previously he worked in the Alaska Legal Service Corporation, which provides free legal assistance to low income Alaskans, including a lot of our Natives.

Our next panel, and if I can, Mr. Chairman, will be Douglas Eby, Vice President of Medical Service Southcentral Foundation. We have Chuck Clement, President and CEO of the Southeast Regional Corporation, and Christopher Bolton.

Now, I have to say one thing. Because of your efforts on this committee and the Congress, we have one of the better health systems in the State of Alaska and in this Nation. I am very pleased we are expanding it every time we can. We have some epidemics that we did not have before. They are arising nationwide. Of course, there is a heroin problem. We are addressing that and hope to do so. But this is a great group in Alaska, and I strongly support their testimony today, and support their asking for money. They spend it well.

And, again, Mr. Chairman, members of the committee, I thank you for your efforts. I am on the authorization side of this bill, and you guys are the ones that really make it count, the money.[Laughter.]

So keep that in mind. With that, Mr. Chairman, thank you for allowing me to introduce these Alaskan witnesses. 5,500 miles away they have flown, and they will fly back the same distance. I do that every 12 days. You wonder why I am cranky sometimes? [Laughter.]

That is the reason why. So thank you, Mr. Chairman. I appreciate it.

Mr. SIMPSON. Thank you. Mayor.

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THURSDAY, MARCH 17, 2016.

## **METLAKATLA INDIAN COMMUNITY**

### **WITNESS**

**AUDREY HUDSON, MAYOR, METLAKATLA INDIAN COMMUNITY**

Ms. HUDSON. Thank you, Congressman, for stopping in. When you walked in, I kind of thought that maybe you were just here to greet me, and then I noticed——

Mr. YOUNG. Oh.

Ms. HUDSON. And then I noticed other Alaskans. He makes us feel really special. [Laughter.]

Thank you for coming in today. The Metlakatla Indian Tsimshian Tribe is located on the Annette Islands Reserve in southeast Alaska. We have a land base of 87,000 acres.

Through our Annette Islands Service Unit, we provide primary health services at our outpatient facility through funding from the Indian Health Service as a co-signer to the Alaska Tribal Health Compact under the Indian Self-Determination and Education Assistance Act. We have significant fish and forestry resources, but as noted elsewhere in this testimony, we require more resources to fully manage them.

Contract support costs. We appreciate the change made to the funding of contract support costs in the Fiscal Year 2016 Appropriations Act, which made the Fiscal Year 2016 contract support cost funding for an indefinite amount. The tribe's long-term goal, however, remains that the indefinite appropriation of contract support cost funding be made mandatory and permanent.

Under the Indian Self-Determination and Education Assistance Act, the full payment of contract support costs is not discretionary. It is a legal obligation affirmed by the U.S. Supreme Court. Funding of contract support costs on a discretionary basis has placed the House and Senate Committees on Appropriations, in their words, of being in the untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs.

We are committed to working together with the Senate Committee on Indian Affairs and the House Natural Resources Committee to determine how best to achieve this goal. We also ask for the subcommittee's intervention with the Budget Committee and any other that may influence this proposal for mandatory contract support cost funding.

Sequestration. We continue to ask that IHS funding be exempt from sequestration as is the Veterans' Health Administration programs. We understand that a number of members of Congress previously indicated that it was an oversight that IHS was not exempt from sequestration in the past, and that the oversight should be corrected. We strongly urge the subcommittee to support an amendment to the Balanced Budget and Emergency Deficit Control Act to fully exempt the IHS from any future sequestration.

The Special Diabetes Program for Indians. Metlakatla has a large population of members battling diabetes, and a majority of those afflicted are the elders. The Special Diabetes Program for Indians provides crucial funding for diabetes treatment and prevention programs for our people. Some of the treatment our members receive is from the Southeast Alaska Regional Health Consortium, who is in attendance today. And I am very proud to say that their president and CEO, Charles Clement, is a good friend, and he is also a member of the Tsimshian Metlakatla Indian Community.

We understand that the current authorization and funding will expire at the end of Fiscal Year 2017, and we support the Administration's proposal that the program be permanently authorized and hopefully at an increased amount. We ask for your support of the efforts to pass such an authorization as quickly as possible, well in advance of the expiration of 2017 so that these critical programs can continue to provide uninterrupted care, and our contracts can be renewed without disruption and loss of expertise.

BIA natural resource funding. Now, I'd like to turn from the health of our members to the sovereign right of our tribe, which is to manage our own natural resources. Metlakatla has the only reservation on Annette Island Reserve within the State of Alaska, 87,000 acres, plus the marine waters of 3,000 feet out from the shorelines of Annette Islands.

We did not participate in the Alaska Native Claim Settlement Act. I will repeat that: we did not participate in the Alaska Native Claim Settlement Act, though we were given the opportunity to do so. Instead we communicated to the congressional drafters of ANCSA the need for the reservation to stay intact. Section 19 of ANCSA thus excludes the tribe preserving the tribe's trust land and reservation intact.

The Alaska congressional delegation sent a joint letter on December 16th, 2015 to Assistant Secretary Washburn at the BIA request requesting information and a response to a significant issue. The BIA has for decades underfunded our natural resource programs. The BIA thus far has not responded.

The Alaska congressional delegation acknowledges that we have produced a detailed analysis of not only the funding we currently receive to carry out BIA natural resource programs in the amount of \$957,000, but an analysis of the funding necessary to adequately protect the trust assets of our lands, waters, habitat, minerals, and fish and wildlife, and also to steward those trust assets to meeting tribal needs on an ongoing basis.

We determined that our BIA natural resource programs require a total funding of \$3.1 million on an annual basis, which means additional appropriations in the amount of \$2.1 million. All of these funds have been requested directly from the BIA in a recent Title 1 Self-Determination Contract request, but during negotiations on February 8th, 2016, the BIA indicated there are no new funds available for these programs. The tribe is awaiting the official written contraction declination from the BIA.

We urge the committee to fully fund these needs so that the tribe can adequately carry out responsibilities that are critical to ensure the tribe's natural resource programs are adequately funded. We have a water shortage crisis at the tribe currently, and there is no doubt that greater natural resource program funding would assist us in better understanding its causes and implementing solutions.

As for fisheries and forestry, to greater illustrate all that is involved in carrying out these natural resource programs, the existing inequitable share of these funds that the tribe receives in comparison with other tribes in the northwest, and why this funding is so critical to the tribe.

Fisheries. Because State managed waters surround the reservations waters, and because there is no court ordered co-management

relationship between the tribe and the State, tribal fisheries must be managed in a way that accounts for the tribe's fishing effort as well as the State's. This must be done without having any influence over the State's management strategies, which at times have been preemptive of our subsistence and harvest rights. In order to properly manage our fishery resources, we need to bring our own scientists and resource managers to the table, but we have insufficient funding to do so.

We manage the following commercial fisheries, which are subject to secretarial approval. For salmon, the tribe's fishery is the largest tribally managed salmon fishery in the Nation. In fact, the tribe annually harvests more salmon than the five top fishing tribes in western Washington combined.

Herring. We manage the second largest herring stock in southeast Alaska, second only to the Sitka fishery. The largest, almost certainly the only tribally managed herring fishery in the Nation.

Halibut. Our halibut fishery is comparable to the tribal halibut fisheries in western Washington, and dive fisheries for sea cucumber and geoduck are comparable to tribal fisheries in western Washington.

The tribes of western Washington, which conduct fisheries that are most similar to the tribe, also have complex managerial, technical, and scientific needs. Yet their funding, although substantially greater than the tribes, is still inadequate to cover the cost of retaining staff in each of the individual dips that, in combination, make up a legitimate fishery management program.

However, Congress through the BIA makes millions of dollars available to the Northwest Indian Fisheries Commission for that very purpose. The commission, like the Columbia River Inter-Tribal Fish Commission, is able to draw on economies of scale and consortia staff so that when tribes meet with the State or other management authorities, they are supported by expertise that the State cannot ignore. By contrast, our tribe not only does not have the funds to hire our own experts, we are also not able to draw up the expertise of an inter-tribal consortium.

Mr. SIMPSON. Mary, you will need to start, to wrap it up.

Ms. HUDSON. Okay. Our Tamgas Creek Hatchery is possibly the largest tribally operated hatchery in the Nation, but it inexplicably receives zero dollars in the hatchery operations line item in the BIA budget, while Oregon and Washington tribes receive substantial funding. Because of the role that hatcheries play in sustaining tribal fishing rights, every significant tribal hatchery in Washington State receives hatchery operations funding through the BIA budget, but Metlakatla receives none. Since the tribe cannot compel the State to consider the tribe's needs, the tribe's only recourse is to increase the production of fish at its hatchery that will return to the reserve, trust that enough fish will get through the harvest gauntlet to meet the tribe's needs. Metlakatla is very much on its own.

When considered in this light, the disparity between the fisheries management support available to western Washington tribes and the support available to us is enormous. As a result, we are severely handicapped in efforts to protect our fishing rights and conserve our fisheries' resources.

Forestry. A second example of critical need funding to make tribal natural resource program needs is the forestry program. We receive \$62,000 for our forestry program. \$62,000. This is insufficient funding to hire even one position in the program, let alone plan, design, and implement silvicultural prescription, forest harvest, conservation, and wildfire prevention, and control strategies of the 21,172 acres of commercial forestland and 54,000 acres of non-commercial forestland and associated mukeg habitat.

Using the formula developed by the IFMAT III team in 2011, the tribe's forestry program should receive a minimum of \$646,000 in Federal funding in order to ensure forest health and Federal trust obligations are met.

We traveled a long way.

Without this funding, we cannot maintain healthy forests that are susceptible to fire risk, nor can we count on our forests for any jobs and income going forward. We have requested less than this full amount or only an additional \$439,000.

Metlakatla is on the forefront in climate change. These changes in our world affect every aspect of our lives. From the health of our people, to the change of migration patterns of our salmon and herring, from our endangered yellow cedar, to the critically low water levels of our lakes which provides clean drinking water and hydro-power to our community, climate change is real. And the increase in the natural resource funding will help us address these challenges head on.

Thank you very much, and if you have any questions I will be happy to answer them.

[The information follows:]

**Metlakatla Indian Community**

P.O. Box 439  
Metlakatla, Alaska 99926  
907-886-4741

Audrey Hudson, Mayor

Testimony submitted to the House and the Senate Appropriations Subcommittees  
on Interior, Environment and Related Agencies  
March 17, 2016

Concerning the FY 2017 Indian Health Service and Bureau of Indian Affairs Budgets

Summary. The requests of the Metlakatla Indian Community for FY 2017 are:

- Support Contract Support Cost (CSC) funding as being a separate, indefinite appropriation; remove the proviso potentially limiting carryover authority for CSC; and support permanent and mandatory CSC funding.
- Exempt the IHS from any future sequestration, as Congress has done for the Veterans Health Administration programs.
- Permanently authorize the Special Diabetes Program for Indians.
- Substantially increase funding for BIA Natural Resources Management.

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The Metlakatla Indian Community (Tribe) is located on the Annette Island Reserve in southeast Alaska, a land base of 87,000 acres. Through our Annette Island Service Unit we provide primary health services at our outpatient facility through funding from the IHS as a co-signer to the Alaska Tribal Health Compact under the Indian Self-Determination and Education Assistance Act. We have significant fish and forestry resources, but as noted elsewhere in this testimony, we require more resources to fully manage them.

**Contract Support Costs (CSC).** We appreciate the change made to funding of CSC in the FY 2016 appropriations act, which made the FY 2016 CSC funding for an indefinite amount. This shift helped to ensure that CSC would be fully funded without having to reprogram funding for critical health care services and other programmatic funding to cover the CSC need.

For FY 2017, we support the President's request for an appropriation of "such sums as may be necessary," with an estimated \$800 million for CSC for the IHS, and an estimated \$278 million for the BIA, in separate accounts in both the IHS and BIA discretionary budgets. However, we request the removal of the following proviso: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for

subsequent fiscal years.” This proviso, which we understand the IHS proposed be included in the FY 2016 appropriations language, is problematic because it could be misread to effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. We thus ask that the proviso be removed for FY 2017 and thereafter.

The Tribe’s long-term goal, however, remains that the indefinite appropriation of CSC funding be made mandatory and permanent. Under the Indian Self-Determination and Education Assistance Act, the full payment of CSC is not discretionary; it is a legal obligation, affirmed by the U.S Supreme Court. Funding of CSC on a discretionary basis has placed the House and Senate Committees on Appropriations, in their own words, of being in the “untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs.” We are committed to working together with the Senate Committee on Indian Affairs and the House Natural Resources Committee to determine how best to achieve that goal. We also ask for the Subcommittees’ intervention with the Budget Committee and any others that may influence this proposal for mandatory CSC funding.

**Sequestration.** We continue to ask that IHS funding be exempt from sequestration, as is the Veterans Health Administration (VA) programs. We understand that a number of members of Congress previously indicated that it was an oversight that IHS was not exempt from sequestration in the past and that the oversight should be corrected. The VA was made fully exempt from sequestration for all programs administered by the VA. *See* § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). Also exempt are state Medicaid grants and Medicare payments, which are held harmless except for a 2 percent reduction for administration of the program. We thus strongly urge the Subcommittee to support an amendment to the BBEDCA to fully exempt the IHS from any future sequestration.

**Special Diabetes Program for Indians.** While we understand that the Special Diabetes Program for Indians (SDPI) is not part of the IHS appropriations process, the SDPI funds are administered by the IHS. The current authorization and funding for the SDPI expires at the end of FY 2017. The SDPI provides crucial funding for diabetes treatment and prevention programs for Alaska Natives and American Indians, among whom diabetes is an epidemic. As we have expressed in the past, the SDPI is an indispensable program that has shown identifiable, significant outcomes – both in terms of access to treatment and prevention. We support the Administration’s proposal that the SDPI be permanently authorized, and hopefully at an increased amount. SDPI has been flat funded at \$150 million for many years. We ask for your support of the efforts to pass such an authorization as quickly as possible—well in advance of the SDPI’s expiration in September, 2017—so that these critical programs can continue to provide uninterrupted care and our contracts can be renewed without disruption and loss of expertise.

**BIA Natural Resources Funding.** Metlakatla has the only reservation (Annette Island Reserve) within the State of Alaska—87,000 acres, plus the marine waters 3,000 feet out from the shorelines of Annette Islands. We did not participate in the Alaska Native Claims Settlement Act (ANCSA), though were given the opportunity to do so. Instead we communicated to the Congressional drafters of ANCSA the need for the Reservation to stay intact. Section 19 of ANCSA thus excludes the Tribe, preserving the Tribe’s trust land and reservation intact.

The Alaska Congressional delegation sent a joint letter on December 16, 2015 to Assistant Secretary Washburn at the BIA requesting information and a response to a significant issue: the BIA has, for decades, underfunded our natural resource programs. The BIA, thus far, has not responded.

The Alaska Congressional delegation acknowledges that we have produced a detailed analysis of not only the funding we currently receive to carry out BIA natural resource programs (\$957,205), but an analysis of the funding necessary to adequately protect the trust assets (our lands, waters, habitat, minerals, and fish and wildlife), and also to steward those trust assets to meeting tribal needs on an ongoing basis. We determined that our BIA natural resource programs require a total funding of \$3,118,050 on an annual basis, which means additional appropriations in the amount of \$2,160,845.

This breaks down as additional funds needed for the Tribe in the following budgetary accounts: BIA Hatchery Operations (+\$1,155,900); Fisheries Management and Development & Wildlife Management and Development (+\$201,456); Forestry (+\$439,772); Other Rights Protection (including water) (+\$208,123); and Mineral Development (+\$155,594). All of these funds have been requested directly from the BIA in a recent Title I Self-Determination contract request, but during negotiations on February 8, 2016, the BIA indicated there are no new funds available for these programs. The Tribe is awaiting the official written contract declination from the BIA.

We urge the Committee to fully fund these needs so that the Tribe can adequately carry out responsibilities that are critical to ensure that the Tribe's natural resources programs are adequately funded. We have a water shortage crisis at the Tribe currently, and there is no doubt that greater natural resources program funding would assist us in better understanding its causes and implementing solutions. I discuss below two of these program areas—Fisheries and Forestry—to greater illustrate all that is involved in carrying out these natural resource programs, the existing inequitable share of these funds that the Tribe receives in comparison with other Tribes in the Northwest, and why this funding is so critical to the Tribe.

*Fisheries:* Because State-managed waters surround the Reservation's waters, and because there is no court-ordered co-management relationship between the Tribe and the State, Tribal fisheries must be managed in a way that accounts for the Tribe's fishing effort, as well as the State's. This must be done without having any influence over the State's management strategies, which, at times, have been preemptive of our subsistence and harvest rights. In order to properly manage our fishery resources, we need to bring our own scientists and resource managers to the table, but have insufficient funding to do so.

We manage the following commercial fisheries (subject to Secretarial approval): *Salmon*—The Tribe's fishery is the largest tribally managed salmon fishery in the Nation. In fact, the Tribe annually harvests more salmon than the five top fishing tribes in western Washington combined; *Herring*—we manage the second largest herring stock in southeast Alaska (second only to the Sitka fishery), the largest (almost certainly the only) tribally managed herring fishery in the Nation; *Halibut*—our halibut fishery is comparable to the tribal halibut

fisheries in western Washington; and *Dive Fisheries for Sea Cucumber and Geoduck*—Comparable to tribal fisheries in western Washington.

The tribes of western Washington, which conduct fisheries that are most similar to the Tribe's, also have complex managerial, technical and scientific needs. Yet, their funding, although substantially greater than the Tribe's, is still inadequate to cover the costs of retaining staff in each of the individual disciplines that, in combination, make up a legitimate fishery management program. However, Congress, through the BIA, makes millions of dollars available to the Northwest Indian Fisheries Commission (NWIFC) for that very purpose. The NWIFC, like the Columbia River Inter-Tribal Fish Commission, is able to draw on economies of scale and consortia staff, so that when tribes meet with the State, or other management authorities, they are supported by expertise that the State cannot ignore. By contrast, the Tribe not only does not have the funds necessary to hire its own experts, we are also not able to draw upon the expertise of an inter-tribal consortium.

Our Tamgas Creek Hatchery is possibly the largest tribally-operated hatchery in the nation, but it inexplicably receives \$0 in the Hatchery Operations line item in the BIA budget, while Oregon and Washington tribes receive substantial funding. Because of the role that hatcheries play in sustaining tribal fishing rights, every significant tribal hatchery in Washington state receives Hatchery Operations funding through the BIA budget, but Metlakatla receives none. Since the Tribe cannot compel the State to consider the Tribe's needs, the Tribe's only recourse is to increase the production of fish at its hatchery that will return to the Reserve, trusting that enough fish will get through the harvest gauntlet to meet the Tribe's needs. Our Tribe is very much on its own. When considered in this light, the disparity between the fishery management support available to western Washington tribes and the support available to us is enormous. As a result, we are severely handicapped in efforts to protect our fishing rights and conserve our fishery resources.

Forestry: A second example of critically needed funding to meet tribal natural resource program needs is in the forestry program. We receive \$62,278 for our forestry program. This is insufficient funding to hire even one position in the program, let alone plan, design, and implement silvicultural prescriptions, forest harvest, conservation, and wildfire prevention and control strategies on the 21,172 acres of commercial forestland, and 54,197 acres of non-commercial forestland and associated muskeg habitat. Using the formula developed by the IFMAT III team in 2011, the Tribe's forestry program should receive a minimum of \$646,223.32 in federal funding in order to ensure forest health and federal trust obligations are met. Without this funding, we cannot maintain healthy forests that are not susceptible to fire risk, nor can we count on our forests for any jobs and income going forward. We have requested less than this full amount, or only an additional \$439,772.

We are glad to provide any additional information you may request. Thank you for your consideration of our concerns and needs.

Mr. SIMPSON. I know you traveled a long way. That is why I let you go on for 12½ minutes instead of 5.

Ms. HUDSON. Thanks.

Mr. SIMPSON. Mr. Lincoln.

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THURSDAY, MARCH 17, 2016.

## MANILAQ ASSOCIATION

### WITNESS

#### JOHN LINCOLN, CHAIR, MANILAQ ASSOCIATION

Mr. LINCOLN. Thank you, Mr. Chairman, Congressman Cole. As Congressman Young mentioned, I serve on the Travel Council for the Native Village in Kotzebue. And while I don't chair the board of directors for it, I'm very pleased to have joined them recently as well.

I'm here today as chairman of the Maniilaq Association, a non-profit consortium of 12 tribes in northwest Alaska. We are the sole provider of medical and behavioral services for a network of families across 12 communities in a region of the Alaskan Arctic slightly larger than the State of Indiana.

We've submitted written testimony on issues that are critical to delivering adequate services in our area. These include fully funding village built clinic leases, making contract support costs mandatory and permanent, funding Indian Health Service through advanced appropriations, and supporting the Administration's proposed increases for mental health, suicide prevention, and substance abuse funding in the IHS and BIA budgets.

The people I serve feel tremendous pride when we reflect on the intelligence, strength, loving spirit, and perseverance our ancestors demonstrated by thriving in one of the most unforgiving environments on Earth. Unfortunately we, along with many other Alaskans, require these same qualities more than ever as we cope with a new reality reflected by the highest rates of family violence, suicide, and alcohol abuse in the country.

These rates are not just numbers for me. I am a son, cousin, hunting partner, and a friend to many in our region. Every statistic conjures in my mind the faces and memories of people I grew up with, many of whom are not with us today. I'm reminded of a friend who lost her father to suicide, then an uncle, then her brother, and at the last funeral simply asked "Who's next?"

The men I looked up to as a child, my dad's brother and best friends, were veterans, leaving this world and their families one after another. Asking my mom so many times how did he do it when she told me another kid I grew up with was gone.

Thank you.

Classmates in 6th grade sleeping at their desks because there was no peace or rest to be found at home. Talking through the feelings and shock of high school classmates raped while unconscious. One of the toughest men I know weeping as he describes scrubbing a best friend off the wall of an entryway so his friend's family wouldn't have an unforgettable and unforgiveable image burned in their hearts.

I'm amazed by the perseverance of our ohnas and tah-tahs, our grandparents, men who never folded, and into their 60s, 70s, and 80s continue to provide strength and leadership to the entire region; women who bear emotional and physical scars of historical trauma, yet bring abundant love and kindness to the world every day. Whenever I feel weak or overburdened, I picture a handful of our elders who demonstrate with their entire being that trauma can be survived, it can be beat, and we can do it in a way that leaves us full of love, grace, and strength.

At Maniilaq, we've learned that the promise of a better life for our families lies with Indian self-determination. With your support and partnership, we are reinforcing our culture and improving human lives for the service we provide and by investing in our youth. The old stories are still there, but we hear new stories now from friends and neighbors, stories of counseling services beating depression and PTSD, substance abuse programs leading to sobriety and reuniting families, and surgeries through the Alaska Tribal Health System giving people back to their loved ones.

Maniilaq welcomed our first Inupac physical therapist 5 years ago, our first Inupac pharmacist last year. This May a tribal member from the Village of Kayana will graduate from dental school. Another from Kotzebue will complete optometry school. Maniilaq general counsel is Inupac Dartmouth graduate. We have native nurses and more on their way through a new nursing program.

These individuals and more are returning home to health communities, not just physically, but socially, being strong examples of tribal members and families overcoming adversity. Your investment in tribal health, wellness, and self-determination is paying off, but we still have tremendous need.

Making contract support costs permanent and mandatory, funding the IHS on an advanced basis, and fully funding village built clinic facilities will build on the recent success we've achieved together. Most of the people we lose to suicide have diagnosable and treatable conditions, so we strongly support the Administration's proposed increases to the IHS and BIA Behavioral Program budgets.

The written testimony we submitted contains more information about these programs and our recommendations. And I thank you for your time and opportunity to share our perspective.

[The information follows:]

**Maniilaq Association**  
**P.O. Box 256**  
**Kotzebue, Alaska 99752**  
**907-442-3311**



**John Lincoln, Board Chair**

Testimony on the FY 2017 IHS and BIA Budgets submitted to  
 the House and the Senate Subcommittees on Interior, Environment and Related Agencies

March 17, 2016

*Summary.* The Maniilaq Association is an Alaska Native tribal organization representing twelve tribes in Northwest Alaska. We provide health services through a self-governance agreement with the Indian Health Service (IHS) and social services through a self-governance agreement with the Bureau of Indian Affairs (BIA). We make the following recommendations regarding FY 2017 IHS and BIA funding:

- Increase funding for the Village Built Clinic leases in Alaska by at least \$12.5 million and make it a line item in the IHS budget.
- Make full Contract Support Costs funding for the IHS and BIA mandatory, and ensure there are no provisos on indefinite CSC funding that conflict with the carryover funding authority provided by the Indian Self-Determination and Education Assistance Act.
- Fund the IHS budget on an advanced appropriations basis.
- Support the proposed increases in mental health, suicide prevention and substance abuse spending in the IHS and BIA budgets.

#### Village Built Clinics

For many years now, Maniilaq has submitted testimony to the Subcommittees regarding the need to address the chronic underfunding of our Village Built Clinic (VBC) facilities. We appreciate the inclusion of language in the FY 2016 Consolidated Appropriations Act, providing that "... \$2,000,000 shall be used to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service[.]" While the language is not specific to VBCs, we understand that the \$2 million was intended for VBCs.

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Kotzebue Ġikigtagruk, Ambler Ivisaappaat, Buckland Nunatchiaq, Deering Ignatchiaq, Kiiana Katyaak, Kivalina Kivaliniq,  
 Kobuk Laugvik, Nootak Nautaaq, Noorvik Nuurvik, Point Hope Tikigaq, Selawik Akutigaq, Shungnak Isinnaq

We also appreciate that the Administration has also requested for FY 2017 a \$9 million increase for tribal clinic leases, on top of the \$2 million provided in FY 2016 funds. Approval of this request would finally help stabilize the desperately needed village-based care that is crucial in Alaska.

The VBCs are essential for us to maintain the Community Health Aide Program (CHAP) in Alaska. As you know, CHAP is mandated by Congress as the instrument for providing basic health services in remote Alaska Native villages and often provides the only local source of health care for Alaska Native people in rural areas. We cannot overstate the critical role of village built clinics in Alaska. Lease rental amounts for the VBCs have failed to keep pace with costs—the majority of the leases for VBCs have not increased since 1989 and the IHS until this year resisted proposals to increase their funding. As a result, many of the VBCs are unsafe or have had to be closed, leaving some villages in Alaska without a local health care facility.

In addition, the President's proposed FY 2017 clinic lease bill language may need some clarification, depending on IHS's interpretation, concerning the references that health care be delivered in a space acquired through a "full service lease". In some cases tribes – including the Maniilaq Association - receive VBC funding as part of their recurring base, and so the IHS no longer has "full service leases" in place for those clinics. We know that the Appropriations Committees do not intend to limit VBC eligibility based on unclear terminology.

In sum, these amounts are a step in the right direction but the 2105 ANHB study that analyzed the funding deficiency statewide for these facilities identified an increased need of \$12.5 million increase. We urge that the full amount needed be appropriated. We also support maintaining this funding as a line item in the bill.

#### Contract Support Costs Mandatory Funding.

Maniilaq appreciates the bipartisan support of the Interior Appropriations Subcommittees for full funding of Contract Support Costs (CSC). We very much appreciate the funding of CSC in FY 2016 at an indefinite ("such sums as necessary") amount, which has helped to ensure that CSC would be fully funded without having to reprogram funding for critical health care services and other programmatic funding to cover the CSC need. Maniilaq continues to believe that the indefinite appropriation of CSC funding must be made mandatory and permanent. We thus support the Administration's proposal to move CSC funding to a mandatory funding basis, although we would like it to begin in FY 2017 rather than waiting until FY 2018. We plan to reach out to and work together with the Senate Committee on Indian Affairs and the House Natural Resources Committee in order to determine the best way to reach our goal for CSC funding to be made indefinite, permanent and mandatory. We ask for this Subcommittee's support for such mandatory CSC funding.

Should CSC funding not be made mandatory in FY 2017, we otherwise are supportive of the President's request for an appropriation of "such sums as may be necessary," with an estimated \$800 million for CSC for the IHS, and an estimated \$278 million for the BIA, in separate accounts in both the IHS and BIA discretionary budgets. However, we do not agree with the continued insertion of a proviso that could effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act for FY 2017 and thereafter. We thus request the removal of the following proviso: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years."

#### IHS Advance Appropriations

The Maniilaq Association continues to work toward a transition of the IHS budget to an advance appropriations basis. Over the past several fiscal periods, appropriations have been enacted well after the beginning of the federal fiscal year: 2.5 months in both FYs 2016 and 2015, 3.5 months in FY 2014, and 6 months in FY 2013. Following enactment, it takes a few months before funds are cleared through the Office of Management and Budget, allocated to the IHS Area Offices, and then finally provided to the tribes and tribal organizations.

Both the tribal and IHS programs suffer under this situation. We need to be able to do the best job possible in planning, decision-making and administering programs, but we are impeded in our ability to do so because we do not know how much funding will be made available or when we will receive it. This uncertainty requires us to constantly re-work our budget and delay recruiting and hiring decisions, when we should be devoted to providing the best health services possible. These delays also ultimately cost us more money, since we are not able to take full advantage of buying items in bulk for lower cost, such as our heating fuel.

We are asking that Congress appropriate IHS funds on an advance basis, just as it does for the Veterans Administration (VA) medical accounts funding. In the proposed FY 2016 budget (FY 2017 advance appropriations) for the VA, the Administration justifies advance funding for the VA on the basis of providing timely, high-quality health care for the Nation's veterans, and reiterates this justification in the proposed FY 2017 budget. Our need for timely and predictable funding is no less great than it is for the VA.

#### Alcohol & Substance Abuse Treatment, and Behavioral Health, Suicide Prevention

The Administration's request includes \$25 million in program increases for mental health. Of that amount, \$21.4 million would be for a behavioral health integration initiative, for which tribes and tribal organizations would be eligible to seek funding for the expansion of their behavioral health services to areas outside of the traditional health care system; training; hiring behavioral health staff; and community-based programs. Another \$3.6 million in the proposal would be for funding pilot projects to implement the "Zero Suicide Initiative." The overwhelming majority of the people we lose to suicide

suffer from diagnosable, treatable mental health or substance abuse problems. However, the waiting list for treatment averages nearly 9 months, and due to lack of funding there is often no place to refer people, particularly young people. We therefore request your support for funding the \$25 million program increase for these critical programs.

We also appreciate the \$10 million appropriated in FY 2016 for the *Generations Indigenous (Gen-I)* initiative, which provides increased resources for tribes to address youth behavioral, mental health and substance abuse issues. This funding is critical for the hiring of staff to provide more services and prevention programs for our youth. We ask for your support to fund the expansion of the *Gen-I* program in FY 2017. For the IHS, the Administration is requesting a \$16.8 million increase focused on youth: \$15 million to expand *Gen-I* for additional staffing and \$1.8 million for a pilot program that would provide a continuum of care for youth after discharge from a Youth Regional Treatment Center. For the BIA the proposal includes an increase of \$21 million to expand the *Tiwahe Initiative* designed to address the inter-related problems of poverty, violence and substance abuse faced by Native communities, including \$12.3 million for social services programs designed to provide culturally appropriate care. We ask for your support for this funding.

The President's proposal also includes two-year mandatory funding of \$10 million in FY 2017 to expand the number of behavioral health professionals providing services in Indian communities, and \$15 million to provide assistance "to prevent reoccurrences to tribes experiencing behavioral health crises including specialized crisis response staffing, technical assistance, and community engagement." This funding and these programs are desperately needed in our communities. Increased behavioral health staffing is a necessity in order to save lives. We are committed to working together with the Senate Committee on Indian Affairs and the House Natural Resources Committee and any others to develop legislation to support these proposals.

#### Other.

We wish to join others in Indian Country in supporting the permanent authorization of the Special Diabetes Program for Indians; funding for annual built-in costs for medical and non-medical inflation, pay increases, and population growth; and the establishment of Medicare-like Rates for non-hospital services, thus stretching our otherwise limited Purchased/Referred Care funds.

Thank you for your consideration of our views.

Mr. SIMPSON. Thank you.  
Nick.

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THURSDAY, MARCH 17, 2016.

## TANANA CHIEFS CONFERENCE

### WITNESS

#### NICK GASCA, DEPUTY GENERAL COUNSEL, TANANA CHIEFS CONFERENCE

Mr. GASCA. Good afternoon. My name is Nick Gasca, and I serve as the deputy general counsel for Tanana Chiefs Conference in Fairbanks, Alaska. I'm honored to be here to testify before this committee about TCC's priorities, and I thank you all for the opportunity to do so. I'd also like to thank Congressman Young for the introduction.

TCC is a nonprofit consortium of 37 federally recognized tribes in 41 communities located across Alaska's vast interior. TCC serves approximately 13,000 Alaska Natives in Fairbanks and in the surrounding rural villages in a mostly roadless region the size of Texas. We provide health and non-health services both to our Alaska Natives and tribes.

My written statement discusses TCC's priority for the coming years. I'm here today to discuss a few items with the subcommittee. First is in regards to IHS funding.

TCC was very pleased to see in the President's budget it contains a 6.5 percent increase. These additional funds are vital, and we hope the committee is able to find the fund to meet or exceed these targets. Similarly, TCC supports the \$48 million increase targeted to purchase and referred care. TCC is one of the only tribal health entities in Alaska that does not have a regional health hospital, so we rely heavily on——

Better?

Voice. Yes.

Mr. GASCA. Additionally, TCC supports the President's request for \$10 million in small health clinic funding for the Small Ambulatory Program. In remote Alaska where hub clinics are sometimes hundreds of miles from a patient, the village clinics play an integral role in providing everyday and emergency healthcare. And finally, TCC is relieved to see that the President's budget contains an increase of \$4 million for the Domestic Violence Prevention Initiative. These funds are needed as domestic violence affects Alaska women at a much higher rate than other populations, up to 10 times the amount.

Next, one of TCC's strongest priorities is to see that our villages receive adequate public safety services. For example, at least 75 communities all over rural Alaska lack any law enforcement presence at all. This is why our tribal court systems are so important.

Tribal courts allow our villages to address public safety concerns in a way that is more responsive, more culturally appropriate, and, most importantly, seeks to heal and end criminal activity through a holistic community approach rather than through incarceration. TCC was very disappointed to see that the President's budget re-

quests \$8 million less in funding for tribal courts in P.L. 280 States like Alaska.

In addition, Alaska and native communities are bearing the brunt of existing and accelerating effects of climate change. We are pleased to see that the President's budget includes \$3.1 million in additional funds for the Tribal Climate Resilience. However, the justification for this request places a strong emphasis on combatting the effects of climate change on coastal arctic villages.

Although we understand the serious difficulties faced by our fellow Alaska Native communities on the coast, it is important to understand that interior Alaska communities also are currently facing a massive increase in wildfires, riverbank erosion, spring flooding, and other major threats to physical and food security in our communities due to climate change. We ask this subcommittee to direct the BIA to make sure that this much-needed increase is also used to combat the effects of climate change on in river interior villages as well.

Next, subsistence and subsistence management is the number priority not only for the Athabascans of the Interior, but for all Alaska Natives. It's a way of life. Organizations like TCC and tribes are necessary and valuable assets in hunting and fishing management that State and Federal managers must utilize in order to achieve success in their management.

TCC supports the increase of \$5 million for the Tribal Management Development Program with \$2 million of this increase to address subsistence in Alaska. We ask that you meet this important request and ensure the funding will go towards tribal projects rather than State, Federal, or other projects that continue to disenfranchise those dependent on the resource the most, the rural Alaska Native people.

And finally, our ability to maximize the results of our self-governance and run robust BIA and IHS programs depend on our receiving full contract support costs. Thanks in large part to this subcommittee, we are now in an era of full funding. Thank you.

Therefore, we simply ask that this committee delete a proviso included in last year's bill that directs obligated, but unused, contract support costs in a Fiscal Year to be applied in subsequent Fiscal Years. It causes an accounting nightmare, and the Indian Self-Determination Act has already clearly addressed the issue. Additionally, we ask the committee to include language in the Appropriations Act making it clear to IHS that they must pay contract support costs on Methamphetamine and Suicide Prevention Initiative and Domestic Violence Prevention Initiative Program funds. IHS' position is in clear conflict with the Indian Self-Determination Act. Nothing separates these programs from other programs within the Indian Health Services.

I thank you for the opportunity to testify on behalf of TCC. We believe that the proposed increase will have a deep, meaningful impact for the tribal members of not only Interior, but for all of Alaska. Thank you.

[The information follows:]

**Testimony of Nick Gasca, Deputy General Counsel  
Tanana Chiefs Conference**

**House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

**Hearing on the Fiscal Year 2017 Budget  
March 17, 2015**

My name is Nick Gasca and I serve as the Deputy General Counsel for the Tanana Chiefs Conference's (TCC). I am honored to be here to testify before this Committee about TCC's priorities and I thank Chairman Calvert, Ranking Member McCollum, and all members of the Committee for the opportunity to do so.

TCC is a non-profit intertribal consortium of 37 federally recognized Tribes and 41 communities located across Alaska's vast interior. TCC serves approximately 13,000 Alaska Natives in Fairbanks and the surrounding rural villages. Our traditional territory and current service area occupy a mostly roadless region that is nearly the size of Texas. It stretches from Fairbanks clear up to the Brooks Range and over to the Canadian border.

Remoteness poses many challenges, but I can assure you TCC meets those challenges every day. TCC's priorities over the coming years include substantially expanding public safety and court services, improving health care quality with a renewed focus on wellness and prevention, growing tribal influence in fish and game management, ensuring responsible economic development, and increasing employment in the villages. The FY 2017 appropriations process provides this Subcommittee with the opportunity to provide vital resources to help us achieve these goals. Today, I would like to highlight a few key areas, including the need for additional funds for the Indian Health Service, the importance of funding for Tribal Courts and hunting and fishing management, and the critical role of the federal government in funding responses to climate change in in-river – not just coastal – Alaska.

**IHS BUDGET**

TCC was very pleased to see that the President's budget contains a 6.5% increase over 2016 enacted levels. These additional funds are vital to addressing the critical need for health services for Alaska Natives and we hope the Committee is able to find the funds to meet these targets.

Similarly, TCC supports the \$48 million increase targeted to Purchased and Referred Care (PRC). These funds are used to buy health care when a tribal organization or IHS cannot provide the services. As we reported to you over the last several years, the demand on PRC funding has increased as health care costs, especially provider fees, have increased. These dollars will provide much needed relief to PRC programs across the country and especially for TCC-one of the only tribal health entities in Alaska that does not have a regional hospital and relies heavily on PRC.

TCC supports the President's budget request for IHS which includes \$10 million in small health clinic funding for the Small Ambulatory Program. In remote Alaska, where hub clinics are sometimes hundreds of miles from a patient-the village clinics play an integral role in providing not only the everyday health care, but the emergency care needed to support the health care impacts from an area that contains the highest rates of accidents and violence in the nation. The funding would be used for grants to 8-10 tribes to construct new small ambulatory health clinics, and we are optimistic that some of these funds will be used to create additional healthcare facilities in the villages we serve.

And finally, TCC is relieved to see that, unlike last year, the President's Budget contains an increase of \$4 million for the Domestic Violence and Prevention Initiative (DVPI). These funds support efforts to reduce the incidence of domestic violence, which affects Alaska Native women at a much higher rate than other populations. The statistics are not new. The Indian Law and Order Commission's report made clear just how bad the situation was: Women in Alaska's rural villages report rates of domestic violence up to 10 times higher than in the rest of the United States. Physical assault victimizations rates are 12 times higher. We request that you meet the President's request for expansion of this very successful and urgently needed program.

### TRIBAL COURTS FUNDING

One of TCC's strongest priorities is to see that our villages receive adequate public safety services. As the Indian Law and Order Commission's report made clear, there is a lot of work to be done to ensure public safety in Alaska's rural communities. Alaska is one of six States, called P.L. 280 States, in which jurisdiction over crimes in Native American communities rests mainly with the States. The BIA doesn't have enough funding to go around and so it prioritizes its public safety efforts in non P.L. 280 States on the assumption that P.L. 280 States are investing sufficiently in public safety and law enforcement in Native and rural communities. But this is simply not so. The Alaska Department of Public Safety, which has primary responsibility for providing law enforcement in rural Alaska, provides only 1.0 to 1.4 field officers for every one million acres. This means that at least 75 communities in Alaska lack any law enforcement presence at all. In most Alaska villages, the tribal courts are the only meaningful judicial voice for anything other than the most serious and violent of crimes.

Tribal courts allow our villages to address public safety concerns in a way that is more responsive, more culturally appropriate, more attuned to local concerns than the State system, and most importantly seeks to heal and end criminal activity through a holistic community approach rather than incarceration which perpetuates criminal activity and creates more victims. Therefore, TCC was very disappointed to see that the President's budget requests an \$8 million reduction in funding for tribal courts in P.L. 280 States. The BIA estimated that it would need around \$17 million in funding to maintain parity in federal funding – which is itself only a fraction of actual need – for tribal courts in P.L. 280 and non-P.L. 280 states. Reducing this funding further will only exacerbate this disparity and is a terrible step in the wrong direction. We ask that the Subcommittee find the funds necessary to maintain and expand this important initiative.

### CLIMATE CHANGE

Tanana Chiefs Conference - FY 2017 House Appropriations Testimony

As this Subcommittee has long heard from TCC and other Tribes and Tribal organizations, Indian and Alaska Native communities are bearing the brunt of the existing – and accelerating – effects of climate change. For us, this is not about future effects. We are being impacted now. Therefore, we are pleased to see that the President’s budget includes \$3.1 million in additional funds for Tribal Climate Resilience.

However, the budget justification for this request places a strong emphasis on combating the effects of climate change on coastal Arctic villages, such as coastal erosion, and notes that the proposed increase “will be set aside to support Alaska Native Villages in the Arctic and other critically vulnerable communities to improve the long-term resilience of their communities.” Although we understand the serious difficulties faced by our fellow Alaska Native communities on the coast, it is important to understand that our communities are currently facing a massive increase in wildfires, riverbank erosions, spring flooding, substantial changes to flora and fauna distributions, and other major threats to physical and food security in our communities, all due to climate change.

It can be stated with certainty that in the spring and summer months, with flooding threats and millions of acres on fire at a given time, Interior Alaska experiences the most impacts of climate change of any place in the nation. Senator Murkowski and I visited the hub village of McGrath this past October and saw first-hand how the already vulnerable Kuskokwim River bank is threatened by erosion and the community’s response. This past summer, wildfires came literally within feet of destroying the villages of Nulato and Tanana and today there is a lot of work to be done towards rehabilitation of specific burned sites which impact these two villages. Therefore we ask the Subcommittee to direct the BIA to make sure that this much-needed increase is also used to combat the effects of climate change on in-river villages as well.

#### **SUBSISTENCE MANAGEMENT**

The number one priority for not only Athabascans of Interior, but for all Alaska Natives is to continue traditional hunting and fishing practices which promote the social, cultural and spiritual well-being of our people. TCC and the Tribes along with Doyon and Fairbanks Native Association have partnered to ensure Alaska Natives and tribes have an increased role in hunting and fishing management. King Salmon have been a staple food source for many rural Alaskans across the state, yet failed management has recently prevented adequate subsistence harvests to meet our well-being needs. Tribal ability to manage hunting and fishing resources has been crippled by the Alaska Native Claims Settlement Act, but because of our dedicated unity towards this issue, tribes are increasingly proving to fill a necessary role in order for the state and federal managers to achieve success.

TCC has endeavored to take a stronger role in oversight and management of subsistence resources, including taking an active part in the establishment of intertribal fish commissions for the Yukon and Kuskokwim rivers respectively. The sole reason, the State of Alaska achieved for the first time in years, its Yukon River salmon treaty obligations to Canada is because the Yukon River Intertribal Fish Commission called for a river-wide moratorium on King Salmon fishing.

The Tribes are the most dedicated stakeholders in the efforts to save the King Salmon and should be given the proper funding and authority to carry out those stewardship duties that we will never turn our backs to. Therefore, TCC supports proposed increase of \$5 million for the Tribal Management/Development Program, with \$2 million of this increase to address subsistence management in Alaska. We ask that you meet this important request and ensure the funding will go towards *tribal* projects rather than state, federal or other projects that have continued to disenfranchise those most dependent on the resources-the rural Alaska Native people.

## CONTRACT SUPPORT COSTS

Finally, let me address the contract support cost issue. It has long been recognized that TCC provides far better services to our communities than the BIA or IHS ever did, and this is why supporting and honoring our TCC contracts with the BIA and IHS is so important. Our ability to maximize the results of our self-governance and to run robust programs depends on our receiving full contract support cost (CSC) reimbursements.

In the past few years, significant strides have been made in this area. Thanks in large part to this Subcommittee, we are now in an era of full CSC funding. We were delighted that the President's budget estimate for CSC again provides for full funding. However, we ask that the Committee discontinue a proviso that was included in last year's bill and in the President's request because it is counter to existing law. Specifically, the proviso would direct that CSC amounts that were obligated but not expended by a tribe for the current fiscal year be applied to CSCs otherwise due in subsequent fiscal years. The Indian Self-Determination Act already addresses the use and disposition of unexpended contract and compact funds. Therefore, the proviso is unnecessary. Further, the proviso will cause unnecessary accounting difficulties.

On a related note, we ask the Committee to include language in the appropriations act making clear that IHS must pay contract support costs on MSPI and DVPI program funds. Despite years of acknowledging that CSCs are due on these program funds, IHS in 2013 reversed course and started requiring Tribes to cover these CSC costs with program funds. This position is in clear conflict the Indian Self-Determination Act, and nothing separates these programs from any other program within the Indian Health Service. Further, these program funds should be transferred to us through our existing self-governance compact, and it shouldn't be necessary for us to execute separate grant agreements with IHS. The whole idea of the 1988 and 1994 amendments to the Indian Self-Determination Act was to get away from having multiple different contracts and grants, and to consolidate and streamline our relationship with IHS.

Thank you again for the opportunity to testify on behalf of TCC. We believe that the proposed increases will have a deep, meaningful, impact for the tribal members of Interior Alaska, and for the betterment of all Alaskans.

Mr. SIMPSON. Thank you. And thank you all for being here today. We appreciate it very much.

Ms. McCOLLUM.

Ms. MCCOLLUM. Thank you. Thank you, Mr. Chair. I found a couple of photos kind of Alaska's interior. So you are farther up the delta in Alaska?

Mr. GASCA. We are in the middle of Alaska, and our region stretches north to the Brooks Range all the way east to Canada. So all those villages are part of our region.

Ms. MCCOLLUM. I was just looking at a story here. I have been on the coastal areas, and I was sharing some photos of the coastal breakup. When I was there, no one was talking about what was happening inland. There is a story in here about a river, your river, reversing?

Mr. GASCA. Yeah. Well, the Yukon River is one of the largest and longest rivers in Alaska. So what you witnessed on the coastal region with the breakup, it is very similar to what you would witness on Yukon River. So in the last few years there has been three or four villages, such as Galena, Alaska, Eagle, Alaska that have flooded. And they do not get as much attention as well they should, but there is tremendous red tape for these villages to go through.

And it is very important just to recognize that Interior villages as well as coastal regions, but Interior villages on the river are not as well recognized for these Arctic changes.

Ms. MCCOLLUM. The photos are dramatic. They are not as dramatic because you do not see something falling right off into the ocean.

Mr. GASCA. I can send you some aerial views, and you will be pretty surprised.

Ms. MCCOLLUM. You talked about legacy issues affecting health and wellbeing. You were talking about what is happening with the fish and the forestry. When I was in Alaska, people were talking very openly about climate change. That is a whole new stress that has been put onto elders as well as youth.

There were people there from the University of Alaska. By the way, this is affecting our Department of Defense as well. I just showed my colleagues a radar facility getting ready to fall into the ocean from what is going on.

Is this just another additional stress that families are starting to feel with having to think that they are going to relocate, or if they know people who have lost property?

Ms. HUDSON. In Metlakatla it is not just a stress that is put on. It is stress every day. In Metlakatla, we have in the winter an unemployment rate of approximately 80 percent. And those people live on subsistence—salmon, halibut, things that we go to the beach and collect, like clams and truffles, things like that. And so, because of the climate change, the temperature of the water has increased and gone up about 3 to 4 degrees.

And so, with the shellfish, many times throughout the year now, we are not able to eat the shellfish that we usually go and obtain on the beach for subsistence. And the migration patterns for the salmon change. And everything is changing so much, even right down to the budding of the berry bushes.

We are very subsistence people. We live off the land, and that is our way of life, and it is a big part of our culture also. So it is a big hardship on our community. And it does not only impact us in that manner, but right now Metlakatla has zero snow on the tops of our mountains. We do not have any snow. And whereas in the previous years we had plenty of snow that would provide water to our streams, our salmon streams, and also snowpack that provided water runoff to our hydroelectric plant. We do not have that anymore, and so now we are having to come up with alternative power sources that we are approaching the Department of Energy, Indian Energy with. And it impacts us in so many different ways.

I could go on and on and take up another 12 minutes.

Ms. MCCOLLUM. Well, thank you. Thank you. The cost of what I am hearing that is happening to some of the tribal nations and the impact is just mind blowing. It is something that I do not think we have done our due diligence to examine here. So thank you for your testimony, and I am going to learn more about what is going on in the interior of Alaska because of you, Nick. Thank you.

Mr. GASCA. Thank you.

Mr. SIMPSON. Again, thank you for being here today. We appreciate it very much.

Okay. Doug Eby, Charles Clement, Christopher Bolton, and Nancy Martine-Alonzo. I hope everybody recognizes those names.

Welcome to the committee. Doug, you are first.

Dr. EBY. Surviving your marathon?

Mr. SIMPSON. Yes, 2-day marathon.

Dr. EBY. 2-day marathon. Oh, my goodness.

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THURSDAY, MARCH 17, 2016.

## **SOUTHCENTRAL FOUNDATION**

### **WITNESS**

**DOUGLAS EBY, M.D., VICE PRESIDENT OF MEDICAL SERVICES,  
SOUTHCENTRAL FOUNDATION**

Dr. EBY. Good afternoon. My name is Doug Eby. I'm the medical director physician executive, and honored to be that for over 20 years in Southcentral Foundation, the award winning, Baldrige Award winning Nuka system of care. We serve 65,000 people regionally, and to some degree, 150,000 people statewide. Our focus primarily is Anchorage to Mat-Su Borough, and then over 50 rural villages across south central Alaska extending down the chain.

For 25 years, we've carried out medical, behavioral, substance abuse, and dental programs under the Self-Determination Act. For 2017, we ask that Congress focus primarily on general IHS program increases, particularly related to behavioral health and the purchased and referred care.

We specifically support funding the proposed substance abuse and suicide prevention program. Over the last 15 years, we've prioritized behavioral health, addictions, and our work with youth for whom suicide risk is particularly high. Our most innovative and successful work has been through the Family Wellness Warriors Initiative, which has gotten a lot of national attention, trying to reduce family violence, abuse, and neglect. And over the last 2 years

we've taken this and applied it to our entire range of behavioral health programming, achieving population level scale, with services producing good initial results.

We've done this despite getting relatively little behavioral health funding initially through IHS. And reimbursement through reimbursement mechanisms are still relatively low for behavioral funding, making funding things like the Substance Abuse and Suicide Prevention Program particularly important to our efforts.

The President also has requested increases in behavioral health that are critical given our focus on family and community health, and youth, and addictions, and suicide. For example, our Pathway Home is a comprehensive, but individualized, program for troubled adolescent youth, learning positive physical and behavioral health habits, academic achievement, and vocational skills on the way to becoming productive members of our community.

Another youth-focused program is our RAISE Program, which provides opportunity for on-the-job work experience resulting in professional and personal development. We have summer, winter, and graduate sessions, taking at-risk youth in the hundreds and now reaching thousands, also helping them become productive members of the community.

The President's proposed increases in behavioral health are exciting and will help us extend this across our whole range behavioral health, addictions, and suicide programs. We are about to open a large facility called the Nuka Therapy and Learning Center, which is another huge bet on our part on the behavioral health and addictions part of our efforts. It will help us expand the range of learning circles, Family Wellness Warriors Initiative, Four Directions Family Matters Addiction Groups, and a range of other behavioral health programs.

You've heard from others, and I'll repeat some of what they've said for emphasis. One of the troubling parts of the Substance Abuse and Prevention Program that merits specific mention is that these special initiatives are put in that category, and, therefore, do not have contract support dollars being available. This will cost us hundreds of thousands of dollars as we use the money to improve these services.

Almost as impactful, IHS has stopped adding these funds to our compact and has started issuing a separate with its own reporting and accounting rules, making it more complicated and costly to run and, again, without contract support dollars being made available. We join many other tribes in asking the committee to eliminate this notwithstanding clause, and to direct IHS to treat these funds just like other IHS program funds operated under the Self-Determination Act.

I'd also like to repeat and point out what was mentioned before about the proviso addressing tracking unspent contract support funds. This makes accounting for these funds far more complex than it need be, and without any real benefit to the Federal government. It's also unnecessary because existing law already covers this in the Reauthorization Act.

On a related note, we also respectfully request the committee direct the Secretary of HHS to promptly file all late contract support cost shortfall reports, the most recent being Fiscal Year 2011,

which is more than 5 years old. This information is not only critical to all of us for moving forward, but it's also congressionally mandated by Section 106(c) of the Indian Self-Determination Act.

Finally, we would like to thank all of you on this committee for the absolutely outstanding work that has been on contract support costs to make it fully funded and creating a separate account in the 2016 omnibus bill, and providing an indefinite appropriation so that these vitally important contract support costs will be fully funded without threatening other programs. We commit to our part in using these funds to continue our outstanding efforts in response to this funding.

Thank you again for the opportunity to testify on behalf of Southcentral Foundation, our 55,000 local population, 65,000 regionally, and the 150,000 people statewide that depend on our services, including now a large number of community health centers and non-native veterans seen our system.

[The information follows:]

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES ON THE FY 2017 PRESIDENT'S BUDGET REQUEST  
MARCH 17, 2016

Testimony of Dr. Douglas Eby Vice President of Medical Services Southcentral Foundation

My name is Douglas Eby and I am the Vice President of Medical Services at Southcentral Foundation (SCF). SCF is a tribal organization that compacts with the Secretary of Health and Human Services under Title V of the Indian Self-Determination Act (ISDA) to provide primary care services to Alaska Native patients within the Anchorage area and throughout the region. SCF acts pursuant to tribal authority granted by Cook Inlet Region, Inc., an Alaska Native regional corporation designated by Congress as an Indian Tribe for contracting purposes under the ISDA.

Thank you for the opportunity to testify on behalf of the Southcentral Foundation and the 150,000 Native American people we serve. For more than 25 years SCF has carried out Indian Health Service (IHS) programs under ISDA agreements. SCF provides medical, dental, optometry, behavioral health, and substance abuse treatment services to over 52,000 Alaska Native and American Indian beneficiaries living within the Municipality of Anchorage, the Matanuska-Susitna Borough to the north, and nearby villages. SCF also provides services to an additional 13,000 residents of 55 Alaska villages covering an area exceeding 100,000 square miles. Finally, SCF provides statewide tertiary OB/GYN and pediatric services for approximately 150,000 Alaska Native people. To do all this, SCF employs 2,000 people.

SCF requests that in FY 2017 Congress (1) focus on general IHS program increases especially related to Purchased and Referred Care; (2) support increases in behavioral health including funding for the Substance Use and Suicide Prevention Program (currently called the Methamphetamine and Suicide Prevention Initiative) (3) clarify these programs are entitled to contract support costs when operated by Tribes; and (4) support existing language for fully funding contract support costs, while removing a disruptive "proviso" from the bill.

IHS has divided its budget request into two parts: (1) an additional \$159 million for current services to fully fund medical inflation and pay raises, and to partially fund population growth, and (2) \$89.7 million to fund specific program increases, including a \$48 million increase in purchased and referred care. While we support all these increases, Purchased and Referred Care (PRC) is especially important in the continuum of services we currently offer. When one of our patients needs specialty care outside our capacity, we use PRC funding to contract with outside clinics and hospitals to provide the service. Although we strive to provide as many services as possible within SCF, we still rely on non-SCF providers. Unfortunately, PRC funding does not keep pace with the rising costs of health care in other systems. As a result, sometimes we are unable to provide the necessary care. We encourage the committee to support the PRC increase.

SCF also strongly supports the proposed Substance Use and Suicide Prevention Program (combining the Methamphetamine and Suicide Prevention Initiative and the Domestic Violence Prevention Initiative.) These initiatives provide crucial support for our efforts to combat two blights that disproportionately afflict our community. At SCF we implemented the Family Wellness Warriors Initiative to provide a means for organizations and individuals to effectively address the spiritual, emotional, mental and physical effects of domestic violence, abuse and neglect. MSPI and DVPI funding has been critical to SCF's success in this area.

On a related note, SCF also strongly supports the President's requested increases for behavioral health, especially given our focus on youth. As the Committee knows, SCF's Pathway Home is a voluntary, comprehensive, and individualized mental health program for adolescents from 13 to 18 years old. Its mission is to create a loving and supportive community environment where Alaska Native children can develop into independent, service-minded and productive leaders. Referrals come from a variety of sources, including clinicians, case managers, social workers, counselors, parents, teens or state agencies. The Pathway Home team of clinicians and employees help youth improve their mental and behavioral health, physical and spiritual wellness, and academic and/or vocational skills. Through a combination of individual, group and educational settings, youth learn healthier methods of managing their behavior, handling conflict and anger, progressing in their recovery, and improving relationships with family members.

Another youth-focused program is our RAISE Program, which provides opportunities for on-the-job work experience in a setting focused on Alaska Native cultural values. RAISE is designed to develop leadership skills in Alaska Native and American Indian youth, and offers summer, winter and graduate sessions. Each session exposes participants to health-related careers and workplace expectations, while supporting youth in both personal and professional development. The President's proposed behavioral health increases will enable RAISE and Pathway to continue making progress with our Alaska Native youth.

One aspect of the MSPI/DVPI (or new Substance Use and Suicide Prevention Program) that warrants special discussion concerns how these funds are currently handled. Congress first appropriated MSPI funds in 2008, and first appropriated DVPI funds in 2009. Congress directed that both of these funds should go to the areas that needed them the most, and IHS distributed these funds to contracting and compacting Tribes and tribal organizations through amendments to each Tribe's ISDA contract or compact. These amendments always occurred late in the fiscal year, long after the CSC appropriations had already been spent, so the agency always recognized the Tribe's CSC need associated with these programs but it could never actually pay that need. But two years ago, just when full CSC funding became a reality, IHS changed course and declared that these programs were "special initiatives" for which contract support costs were not available. This cost us hundreds of thousands of dollars. Almost as badly, IHS stopped adding these funds to our compact and started issuing a separate grant with its own reporting and accounting rules. So now the program is more even costly and complicated to run, and still we

receive no contract support cost dollars. All this is deeply contrary to both the spirit and the letter of the Indian Self-Determination Act. We join many other Tribes in asking the Committee to eliminate the “notwithstanding” clause and direct IHS to treat these funds just like other IHS program funds operated under the ISDA.

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Finally, SCF wants to specially thank this Committee for all the good work you have done to make history on fully funding contract support costs. We applaud your success in creating a separate CSC account in the 2016 Omnibus, and in providing an indefinite appropriation so that CSC will always be fully funded without threatening other programs. These two steps ensure that the Nation will not be jeopardizing other important health services in order to fully pay for CSC, as mandated by statute and affirmed by the Supreme Court. Southcentral Foundation deeply appreciates the stance you have taken on CSC to fully honor the United States’ contractual obligations to tribes and organizations like ours. SCF is committed to providing health services on behalf of IHS at a level that far exceeds the quality of what the agency provides directly, and we appreciate that the Committee is equally committed to honoring the government’s contractual obligations to SCF.

I do need to point out one accounting problem created by the Appropriations Act’s inclusion of a new “proviso” addressing the tracking of unspent contract support cost funds. This proviso makes accounting for those funds far more complex than it was, without any countervailing benefit to the federal government. It is also unnecessary, because existing law already addresses unspent funds and requires that those funds must be spent in the following year to carry out the contract. Existing law is sufficient, and the proviso about unspent funds should therefore be removed in FY 2017.

On a related note, we also respectfully request that the Committee direct the Secretary of the Health and Human Services to promptly file all late Contract Support Cost Shortfall Reports. The last report to Congress on this matter covered FY 2011 and is more than 5 years old. This information is not only critical; it is congressionally mandated by section 106(c) of the Indian Self-Determination Act.

Thank you again for the opportunity to provide testimony on behalf of Southcentral Foundation and the 150,000 people we serve.

Mr. SIMPSON. Thank you, Doug.  
Charles.

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THURSDAY, MARCH 17, 2016.

## **SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM**

### **WITNESS**

#### **CHARLES CLEMENT, PRESIDENT AND CEO, SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM**

Mr. CLEMENT. Yeah, good afternoon. Thank you for allowing me a few minutes to testify. My name is Charles Clement. I'm the president and CEO of Southeast Alaska Regional Health Consortium. It's a consortium of 15 tribes scattered from, you know, up and down the panhandle from north to south of southeast Alaska.

When the member speaks of coastal Alaska, I think oftentimes people would think of southeast Alaska from Ketchikan up to Yakutat as the service area we provide. It's an area about the size of Maine.

SEARHC speaks in favor of many of the comments that were made here, most of the comments. I've had the good fortune of working with Dr. Eby for 13 years and growing up with Ms. Hudson whole life. And we share many of the same concerns and comments whether it's regard to healthcare and health delivery in Alaska, or environmental considerations and factors in southeast Alaska.

But I'd like to take a few minutes and talk about something that's not much discussed here yet today, and hopefully it'll be something that you'll hear more about today from myself and in future sessions going forward. That is really around the status of facilities funding within Indian Health Service.

The linchpin which Southeast Alaska Regional Consortium operates under is really the Mt. Edgecumbe Hospital in Sitka, Alaska. It is a hospital that was originally developed as a tuberculosis ward. It is nearing 70 years old. It is the only inpatient facility that we operate in southeast Alaska, and from Yakutat and down into Metlakatla, we refer all of our patients into Sitka.

And there are just some substantial challenges. We applaud the efforts that the IHS has taken in the past with regards to joint venture projects, in regards to their facilities appropriation replacement list. But at this point, the list, which was developed long before my time, has in place for many years now. And I think it is in the magnitude of billions of dollars long. And Mt. Edgecumbe Hospital, which is nearing 70 years old and was never envisioned as a hospital to start with, is in dire need to facilities funding, and update, and replacement to deliver care in the 21st century.

You know, we have the expectations of our patients and our beneficiaries that we deliver state-of-the-art care in a safe, reasonable environment. And we make that happen, but it does take an extraordinary amount of effort. Mt. Edgecumbe Hospital located on Japonski Island is at this point by the IHS' own estimate about \$29 million critical need short of meeting minimum requirements. And so, when we look at where we're at with regards to the IHS and their ability to help us maintain a Federal facility—the facility still

is owned by the Federal government—it becomes a little bit of a tightrope walk.

You know, we try to put as much money into it as we can to make sure things are considered safe and reasonable, and we believe that they are. But it really is, we believe, an obligation of the Indian Health Service, and in partnership with the Federal government, we've actually been trying to explore a way to address this in a way that makes the most sense for both the beneficiaries and the patients we service, but also the taxpayers of the United States.

As the complexities of healthcare continue to grow, the needs of the facility continue to grow. As the age continues to advance, the increasing rate of the cost is exponential. Something now, I think last year something as mundane as security enhancements. I think we spent almost a million on security enhancements in 1 year, which when the building was built in the 1940s would be unimaginable, you know. Humidity control for operating room spaces is a huge consideration. Back when it was a tuberculosis ward, things like humidity control were not really a factor in the sense that they are today. And so, what we found ourselves is replacing steam boilers, electrical control systems, trying to introduce more in advanced, you know, IT related activities to the facility, and becomes an increasing challenge.

So, you know, we urge this committee to take a look at how the facilities replacement appropriations list is developed. There was a list that was developed many years ago, long before my time. It has not been opened in quite some time. And it was developed on a first come, first served basis. We think that there may be some wisdom into taking a look at that and saying what is the true need, where are the true priorities, and what are the historical commitments that the IHS and the Federal government have made to compacted tribes, and are we fulfilling those in a reasonable, responsible way. So we would encourage the committee to press the IHS to at least consider that conversation.

Additionally, I think there are programs such as the Joint Venture Programs, and the support of this committee on contract support costs that have shown to be very beneficial. We urge the committee to keep pushing the IHS to fund and keep promoting the Joint Venture Program. We believe it's a fantastic use of taxpayer resources, and it's a good way to encourage the Indian Health Service to dialogue and engage with compacted tribes to fulfill their obligations under the Indian Healthcare Self-Determination Act. And, of course, we do appreciate and approve all the activities that the committee has taken with regards to past actions under contract support costs.

So with that, Mr. Chair, I thank you very much.

[The information follows:]

**House Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies  
Hearing on the Fiscal Year 2017 Budget  
Testimony of Charles Clement, President/CEO  
Southeast Alaska Regional Health Consortium  
March 17, 2016**

My name is Charles Clement and I serve as the President/CEO for the Southeast Alaska Regional Health Consortium (SEARHC). I am honored to be here to testify before this Committee about SEARHC's priorities, and I thank Chairman Calvert, Ranking Member McCollum, and all members of the Committee for the opportunity to do so.

SEARHC is an inter-tribal consortium of 15 federally-recognized Tribes situated along the southeast panhandle of Alaska. Our service area stretches over 35,000 square miles, and with no roads connecting many of the rural communities we serve, we work hard to provide quality health services to our communities. These services include medical, dental, mental health, physical therapy, radiology, pharmacy, laboratory, nutritional, audiology, optometry and respiratory therapy services. We also provide supplemental social services, substance abuse treatment, health promotion services, emergency medical services, environmental health services and traditional Native healing. We provide these services through a network of community clinics and the Mt. Edgecumbe Hospital located in Sitka, Alaska.

The urgent health care needs across Indian Country are well known and the challenges in meeting those needs are heightened in areas like Southeast Alaska where communities are isolated and transportation and facilities costs are high. SEARHC applauds the Administration for recognizing these needs by increasing the IHS budget. It is vital that these increases be preserved. But even these increases will not be enough to allow SEARHC and other tribal organizations to meet the health care needs of the people we serve. We will meet these challenges, but to do so we will need your help.

Facilities Funding

Our greatest need is for increased facilities funding. We have repeatedly reported to this Committee on this topic, and another year of use has only increased those needs. At 67 years old, the Mt. Edgecumbe Hospital is the oldest facility in Alaska and one of the oldest in the Nation. It was constructed toward the end of World War II by the War Department and focused largely on tuberculosis treatment through the 1950s. The hospital is in poor condition and ill-suited to a 21st century model of health care dominated by primary and ambulatory care facilities. Replacing or repairing Mt. Edgecumbe should be a priority, together with developing

a critical access hospital to serve the Prince of Wales Island communities (including Craig and Klawock).

According to IHS's Facilities Engineering Deficiency System, the cost to update SEARHC's facilities alone is \$29,600,000. And we are not unique. Estimates place IHS facilities funding needs at \$8.13 billion, a number that keeps rising because IHS lacks sufficient funding to maintain these facilities. We do our best to patch the problem, but the bottom line is that without adequate facilities, SEARHC cannot provide adequate services.

We request the Committee do four things.

*Replace aging IHS facilities.* We need a commitment from Congress to start replacing aging IHS facilities. This will require reordering the current facilities priority list, which was created on a first come, first served basis. All rankings should be based on true need.

*Increase facilities funding in the current budget proposal.* The President's budget contains modest funding increases for facilities needs, totaling \$46.7 million. This proposed increase, while welcome, would address only a tiny fraction of the \$8.13 billion needed. Similarly, the President's budget proposal for increasing Maintenance and Improvement funds by \$3.4 million for a total of \$77 million in M&I funding fails to address the overwhelming need. With the critical maintenance backlog of \$467 million, this means that \$390 million of critical maintenance is not going to be addressed. We strongly encourage the Committee to increase the facilities funding in the IHS budget.

*The Indian Health Care Improvement Act (IHCIA) renovation program.* We recommend the Committee provide funding for tribally renovated IHS buildings, pursuant to section 1634 of the IHCIA. The IHCIA allows Tribes to renovate IHS facilities and authorizes IHS to provide staffing and equipment for the newly renovated structure. However, Congress has never funded this program. We strongly urge the Committee to realize the promise of this program by providing \$10 million to fund it. We would be delighted to do an Alaska demonstration project for this new initiative.

*Joint Venture Projects.* The JV project provides IHS funds to staff facilities built with tribal funds. SEARHC submitted a proposal in the most recent Joint Venture project funding round. Despite receiving a very high score, our proposal to build a facility on Prince of Wales Island was not selected. And in fact, of the 37 applications submitted, only 13 were put on a list to eventually receive funding. The fact that qualified projects were not selected is evidence that the need for such facilities far outstrips IHS's ability to enter into these agreements.

Our situation is a good example. Currently, our hospital in Sitka serves people living as far away as Klawock. Travel to Sitka requires a lengthy combination of automobile, ferry, and

airplanes and takes at least a day and often is an overnight trip. If weather is bad, as it often is in Southeast Alaska, it can take even longer. The only alternative are costly air ambulance flights. We proposed to construct a Critical Access Hospital in Klawock. This would have strengthened the primary care service in the area, while for the first time also offering complex diagnostic services and acute and emergency care to one of the remotest, most rural areas of the Nation. Despite this substantial need for these services, our project was rejected.

In order to provide funding for this project, as well as the other JV projects that were not selected in the last round, we urge this Committee to support IHS's effort to enter into more Joint Venture Agreements.

### Contract Support Costs

In recent years, much progress has been made on the issue of contract support costs, thanks in large part to this Committee. Congress's decision to fully fund contract support costs since 2014 recast the issue from one of contention to one of cooperation. Further, last year's work to create a new account for CSC to ensure that other critical programs are not impacted by this mandatory obligation only strengthens the relationships between tribal organizations and the Federal Government. We know it is because of this Committee's work that this has happened and we thank you for it.

Last year's contract support cost language creating a new account was ground breaking, and we applaud the Committee for its foresight, leadership and creativity in finding a workable solution within a difficult budget environment. This year, we only ask that the Committee not repeat the proviso concerning carryover funds because it is counter to existing law. The proviso directs that CSC amounts that are not expended by a tribe in the current fiscal year be applied to contract support costs otherwise due in subsequent fiscal years. This language should be deleted because the Indian Self-Determination Act already addresses the use and disposition of unexpended contract and compact funds. The proviso conflicts with that language and also creates unnecessary and complicated accounting issues. For these reasons, the proviso is unnecessary and should be discontinued.

Finally, we once again urge the Committee to include language in the appropriations act making clear that IHS must pay contract support costs on MSPI and DVPI program funds. Despite years of acknowledging that CSC are due on these program funds, IHS recently reversed course and required Tribes to cover CSC costs with program funds. This is contrary to Congress's clear directive in the Indian Self-Determination Act. There is no reason these programs should be treated any differently than any other program within the Indian Health Service.

Thank you for the opportunity to present to the Committee on SEARHC's priorities.

Mr. SIMPSON. Thank you, Charles.  
Christopher.

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THURSDAY, MARCH 17, 2016.

## NORTON SOUND HEALTH CORPORATION

### WITNESS

**CHRISTOPHER BOLTON, CHIEF OPERATING OFFICER, NORTON SOUND HEALTH CORPORATION**

Mr. BOLTON. Thank you. My name is Chris Bolton. I'm the chief operating officer of Norton Sound Health Corporation. We're up in northwest Alaska, 44,000 square miles. We can actually see Alaska from a few of our villages. Little Diomedes is a mile away from Big Diomedes, Alaska, and Russia.

So we have kind of a different situation. We were fortunate enough to funding during the stimulus package for a brand new facility. So we have \$150 million state-of-the-art hospital in Nome, Alaska. It's really amazing.

We also have implemented Cerner as our electronic health records system. 2 years ago we partnered with ANTHC in southcentral, who had brought it there 4 years previously. That is the system that the Department of Defense is moving to. It's the largest electronic health record in the world. So we're really doing some great things with that.

We have that in our hospital in Nome. We have it in our 15 villages, some without running water, and then we have it in Anchorage. So we have a continuous electronic health record, state-of-the-art. We're implementing the Patient Center Medical Home. All 15 of our clinics are HRSA clinics, so we get HRSA funding. Between having the medical record and the case management model, we're starting to see some progress with that.

Our real issues relate to the clinics themselves, and so we have some of the same concerns about IHS fully funding the village bill clinic leases. Those haven't been increased for many years. Contract support costs as well. Remove restrictions on joint venture program to allow staffing packages for clinics that are in the process of construction, and also behavioral health service agencies to be eligible for the program.

One area that we lose significant money on is behavioral health. We have the highest suicide success rate in the country in northwest Alaska. And, again, we lose money on behavioral health because of the funding. So if we were able to get the joint venture funding for behavioral health programs, it would be significant.

Support, at a minimum the Administration's request of \$10 million for the Small Ambulatory Clinics Program provides a requested \$25 million increase for behavioral health, shields the IHS from sequestration, and provide advanced appropriations, you know, the standard things that you hear.

Again, our clinics really are in disrepair. Gambell and Savoonga are on St. Lawrence Island, one of the islands, again, close to Russia. We actually raised and put \$6 and a half million in of our funding. We've already signed a notice to proceed. And unfortunately, that kind of eliminates us for some of these programs, but

we ask that we still be considered because we needed to do things to get these barges and other timetables in place because of where we live in Alaska.

I want to thank you for your time today and listening to our recommendations.

[The information follows:]

**Norton Sound Health Corporation**  
 Christopher Bolton, Chief Operating Officer  
 P.O. Box 966, Nome, Alaska 99762  
 907-443-3311

Testimony submitted to the House and the Senate Appropriations Subcommittees  
 on Interior, Environment and Related Agencies

Regarding FY 2017 Indian Health Service Appropriations  
 March 17, 2016

The requests of the Norton Sound Health Corporation (NSHC) for the FY 2017 Indian Health Service (IHS) budget are as follows:

- Direct the IHS to fully fund the Village Built Clinic (VBC) leases and allocate an additional \$12.5 million to VBC leases, for a total of \$17 million.
- Place contract support costs on a permanent indefinite funding basis and eliminate any provisos on the funding that conflicts with the carryover funding authority in the Indian Self-Determination and Education Assistance Act (ISDEAA).
- Remove restrictions on the Joint Venture Program to allow staffing packages for clinics that are in the process of construction and also to allow behavioral health service agencies to be eligible for the Program.
- Support at a minimum the Administration's request of \$10 million for the small ambulatory clinics program.
- Provide the requested \$25 million increase for behavioral health.
- Shield the IHS from sequestration and provide advance appropriations.

NSHC is the only regional health system serving Northwestern Alaska. It is on the edge of the Bering Sea, just miles from the Russian border. We are not connected by road with any part of the State and are 500 air miles from Anchorage - about the distance from Washington, DC to Portland, Maine. Our service area encompasses 44,000 square miles, approximately the size of Indiana. We are proud that our system includes a tribally-owned regional hospital which is operated pursuant to an ISDEAA agreement, and 15 Village Built Clinics (VBCs).<sup>1</sup>

***End Chronic Underfunding of Village Built Clinics.*** The NSHC has testified in prior years about the chronic underfunding of our VBCs. We thank Congress for providing in FY 2016 \$2 million in supplemental funding (supplemental to the \$4.5 million already being provided) for these clinic leases and for the Administration's request of \$11 million in supplemental funds for tribal clinic leases in FY 2017. The bill language provides that these are *supplemental* funds, while the explanatory language lists the bill funding as a *total* amount.

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<sup>1</sup> We serve the communities of: Brevig Mission, Council, Diomedea, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, St. Michael, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, Teller, Unalakleet, Wales, and White Mountain.

The NSHC health care system includes 15 VBCs that are essential for us to maintain the Community Health Aide Program (CHAP) in Alaska. As you know, CHAP is mandated by Congress as the instrument for providing basic health services in remote Alaska Native villages and often provides the only local source of health care for Alaska Native people in rural areas. We cannot overstate the importance of village built clinics in Alaska. Lease rental amounts for the VBCs have failed to keep pace with costs—the majority of the leases for VBCs have not increased since 1989 and the IHS until this year resisted proposals to increase their funding. As a result, many of the VBCs are unsafe or have had to be closed, leaving some villages in Alaska without a local health care facility.

In addition, the President's proposed FY 2017 clinic lease bill language may need some clarification, depending on IHS's interpretation, concerning the references that health care be delivered in a space acquired through a "full service lease". In some cases tribes receive VBC funding as part of their recurring base, and so the IHS no longer has "full service leases" in place for those clinics. We know that the Appropriations Committees do not intend to limit VBC eligibility based on unclear terminology.

In sum, these amounts are a step in the right direction but the 2015 ANHB study that analyzed the funding deficiency statewide for these facilities identified an increased need of \$12.5 million. We urge that the full amount needed be appropriated. We also support maintaining this funding as a line item in the bill.

***Remove Restrictions on the Joint Venture Construction Program (JVCP) to Support Projects Already in Progress.*** NSHC has completed the final designs to replace the Village Built Clinics in Gambell and Savoonga on St. Lawrence Island. The total project cost is \$12.5 million and NSHC has raised 50% of the necessary funds to date. A Notice to Proceed was issued in January 2016 to start construction this summer. Both clinics will be 5200 square feet, doubling the size of the existing clinics. Both sites are shovel-ready. NSHC already contributed \$1,900,000 to complete the foundation and \$279,521 to complete the final design. The Denali Commission contributed \$120,479 toward the final design. NSHC has \$600,000 in hand from grant awards secured as of January 4, 2016, and another \$3,350,000 in hand as approved by the Board of Directors during 2015 for a total amount of **\$6,250,000** secured.

NSHC is still fundraising for the other half of the project. Under JVCP regulations, we are not eligible to apply for the next round of JVCP funding for staffing because a Notice to Proceed has been issued. We had no choice but to move the clinic construction forward and could not wait for the next round of JVCP applications to be released. In the Bering Strait Region of Alaska, construction projects must be planned in advance to meet the seasonally-limited construction window.

**NSHC Request:** Allow Tribal Health Organizations to apply for JVCP funding even though a Notice to Proceed has been issued.

***Fund the Small Ambulatory Clinic Program to Help with Construction of Replacement Clinic.*** The Small Ambulatory Clinic Fund has not been funded in years and we appreciate the Administration's request of \$10 million for this purpose. It would

give Tribes an option to competitively compete for construction funds. As noted above NSHC has two shovel-ready projects on St. Lawrence Island, with site work and piling installation completed. NSHC has raised 50% of the necessary funds to date, with another \$6,250,000 needed to finish construction.

***NSHC Wellness and Training Center: Remove the Restriction on Behavioral Health Service Agencies' JVCP Eligibility.*** The cost of substance abuse remains exorbitant in all aspects of service in the Norton Sound region. The region's law enforcement, correctional centers (prison and a halfway house), women's shelter, and protective services all report 95-100% of its cases involve substance abuse. Healthcare costs related to substance abuse and substance-related diagnoses, school and vocational drop-outs, loss of productivity, and loss of life continue to skyrocket as addiction numbers rise.

From 2006 through 2014, 5,008 people presented at the Norton Sound Regional Hospital emergency room for alcohol-related encounters. Of those people, 169 of them returned anywhere for 6-65 visits. Of those 169, more than 55% of them also presented as suicidal. Suicides in the region are approximately six times higher than the national average per 100,000 people (74.5 vs. 12.6, respectively) and almost four times higher than the state average (74.5 vs. 19.6, respectively). Unfortunately, the Norton Sound Region also has the highest suicide completion rate in the state. Between 2005 and July 2015, the Norton Sound region (9,400 people (2010 Census) had 76 suicide completions, an average of almost 7 per year. Of those, 67 were male and 9 were female; and 74 of the 76 were Alaska Natives. ***In all but three cases, substance abuse was a factor.***

Treatment services require people within the region to leave their homes and families, and often their treatment is delayed while a bed is secured. The waiting list for treatment averages six to nine months and there is often no other place to refer people. Residents of the Norton Sound Region are often referred to treatment facilities in the lower 48. These facilities are not culturally-relevant and the distance is counter-productive to the healing process given the absence of familial and environmental supports. To best support the treatment needs of the people of the region, NSHC has developed a Wellness and Training Center to be located across from the Norton Sound Regional Hospital. This Center has been designed by a local cultural committee and uses an intensive behavioral health outpatient model with a full continuum of care including a sober housing component. It provides for social detox, long-term rehabilitation, and vocational rehabilitation.

NSHC has committed over \$600,000 towards planning and designing of the Wellness and Training Center and is committed to seeing this through. Additionally, the Alaska Mental Health Trust Authority has awarded NSHC \$400,000 over the last four years for a Wellness and Training Center planner to facilitate the facility's programmatic development. Current concept and architectural plans estimate the final cost for the facility at \$18,000,000.

In addition to requesting capital funding to complete construction of the Center, NSHC submitted a Joint Venture Construction Program pre-application last year to support the staffing component for Center operations. Unfortunately, the current IHS appropriation for this program does not allow for Behavioral Health Services agencies to apply for the funding.

NSHC would like to see IHS support the full spectrum of Behavioral and Mental Health Program needs. The Joint Venture Construction Program would help us fund the additional 10 personnel essential to making the Wellness and Training Center a reality in our region, which will keep people near their home, offer culturally-relevant services, and, ultimately, save lives.

**NSHC Request:** For FY 2017, we ask for advocacy to change regulations for the Joint Venture Construction Program so Behavioral Health Service Projects administered by Tribal Health Organizations can apply.

**Contract Support Costs Mandatory Funding.** We wish to thank Congress for fully funding Contract Support Costs (CSC) in FY 2016. For FY 2017, we support the President's request for an appropriation of "such sums as may be necessary," with an estimated \$800 million for CSC for the IHS in a separate account in the IHS's discretionary budget. However, we disagree with the proviso that was included in the FY 2016 appropriations language and which is also included in the Administration's proposed FY 2017 budget, which states: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years." This proviso is concerning to us because it could be misread to effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. We thus ask that the proviso be removed for FY 2017 and not included in future appropriations for CSC. We also support the Administration's proposal to fully fund CSC on a mandatory basis in FYs 2018-2020, though we would prefer that it begin in FY 2017 and, of course, that it be a permanent, indefinite appropriation. We ask for your active help in working with the Budget Committee and any others on this proposal for mandatory CSC funding.

**Funding for Behavioral Health.** We appreciate and support the Administration's much-needed request of a \$25 million increase for a Behavioral Health Integration Initiative. The goal is to integrate behavioral health services into the primary health systems and also to collaborate with services that may be provided outside the primary health care delivery system such as substance abuse and mental health services. A portion of the funds (\$3.6 million) are to be used for tribes and tribal organizations to establish Zero Suicide programs focusing on the role of medical and behavioral health systems in the prevention of suicide. We know all too well of the high rate of suicides among Native people in Alaska, and young Native people in particular.

**Conclusion.** Due to page limit constraints we will not repeat our testimony from the last few years in support of protecting the IHS budget from sequestration and also placing the IHS budget on an advance appropriations basis. We hope, however, that these two issues will be addressed in this Congress. Thank you for your consideration of the concerns and requests of the Norton Sound Health Corporation.

Mr. SIMPSON. Thank you. I appreciate it. Do you want to turn Ms. Pingree's microphone around for Nancy?

THURSDAY, MARCH 17, 2016.

## **RAMAH BAND OF NAVAJO TRIBE**

### **WITNESS**

**NANCY R. MARTINE-ALONZO, SECRETARY-TREASURER, RAMAH BAND OF NAVAJO TRIBE**

Ms. MARTINE-ALONZO. Honorable Chairman and members of the committee, I'm Nancy Martine-Alonzo. I'm the secretary-treasury of the Ramah Navajo Chapter, and with me are a couple of colleagues, our police chief, Darren Solin, and also Gilbert Maria, who is a community member, and also here is one of our legal people that have helped us with our Ramah v. Salazar, Lloyd Miller. So I'm glad to see him here.

Thank you for the opportunity, and we want to bring to you three issues, and they are law enforcement appropriations, additional detention funds, and contract consolidated programs funding, formulation versus the actual funds.

Ramah Navajo community sincerely appreciates this committee's effort. You've listened to us, and you have taken action, and you've helped us to resolve many issues that we have brought to you in the past. Some of these are the Ramah v. Salazar settlement. We have now \$940 million, and that's been approved for 699 tribes and organizations. And they'll be receiving their settlement funds sometime this summer, so we're very grateful for that.

And the second is the contract support costs that is now funded 100 percent every year, so we're grateful for that as well. And then recently we have contracted the Roads Maintenance Program in our community, and then we have a second one that is pending, which is the Housing Improvement Program. So we're grateful for the opportunity to do those things.

The areas and issues of concerns that we have, the first one, the priority is our law enforcement appropriations. We're requesting \$500,000 for ongoing services that are needed for two purposes. One is because have to comply with the regulation. That regulation says that the Public Law 638 officers' salaries must be the same as though with BIA funded law enforcement. And right now that's not being carried or implemented. The second is to keep our hard-working police officers in our community because we have lost seven in the past three years because of the salary discrepancies. And in the testimony you see a table that shows that other agencies are paying their officers, you know, around an average of 31 percent high, and a discrepancy of about \$17,000 more as their starting pay. And so, that's really the reason that we're asking for additional funds.

And we think that you should consider and look at the Office of Justice Services funds because we look it up, and there's \$32 million that's allocated, but only \$6 million goes to the contracted police enforcement on the tribal side. So think you should assist us in making sure that we get equitable funding from that.

The second is the detention facility. We received the ARRA funds of \$3.8 million in 2009, and we have finished corrections facility. It'll be completed this summer in June. And in order for us to operationalize it, we need additional funding that can be recurring so that we can meet the need for increased correction officers. Our family would need about 25.5 FPE, but we only need eight additional ones at this time. We have operational costs that are increased because it's a modern facility. It has complex technological security systems and communications.

And then thirdly, because we don't want this to be just a place where we lock up people. We want it to be a detention center that provides training in a lot of areas and rehabilitating them for vocational and for their behavioral, psychological issues that led them to that place in the first place. And so, in order to provide more programs and services for them, we need these additional funds.

And then the third is the annual budget formulation, the actual funding request. Every year our community goes through and complies with BIA's request to prioritize our unmet needs, and a budget that we provide. And it usually makes it to the national level within that range, and we do get increases and funding from time to time. But we never see it trickle down to our 638 Program level.

If you look at the other table that's in the testimony, it shows that the funding that we have received overall for the past 5 years, it actually has a decline of \$74,000 even though our needs are increasing every year. So we just want to ask that you consider an across the board increase of maybe 25 percent so that we can, you know, catch up with some of those needs and meet those needs that are there. Our personnel has not received a cost of living increase throughout all this time.

Last, but not least, is to ask this committee to direct the BIA to allocate the tribal priority allocation based funding immediately whenever the appropriation is made. And this year, it's been \$2 and a half months ago, and we still not have received the 2016 funds. And sometimes, you know, that will even be delayed all the way to like 9 months or 10 months, and, you know, that's just not right. And so, if you would assist us in that area.

And then in closing, Ramah Navajo Chapter has operated the 638 Program since 1986, and all through this period we have always had clean audits. We have been good stewards of the funds that you have provided because they have made a difference and impact on our community. So we thank you very much for that. And we look forward to continued support from all of you.

Thank you.

[The information follows:]

**Written and Oral Testimony of Nancy R. Martine-Alonzo Secretary/Treasurer**  
**Ramah Navajo Chapter-Ramah Band of Navajos**

Submitted to the US Congress:

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL  
AND RELATED AGENCIES FY 2017 FEDERAL BUDGET REQUEST, SUPPORT AND  
CONCERNS FOR: DEPARTMENT OF INTERIOR (DOI)–BUREAU OF INDIAN  
AFFAIRS (BIA)**

**March 18, 2016**

**HONORABLE CHAIRMAN AND COMMITTEE MEMBERS:**

I am Nancy Martine-Alonzo, Secretary-Treasurer of the Ramah Navajo Chapter. Thank you for the opportunity to provide testimony for consideration under the DOI-BIA FY 2017 Budget. This testimony focuses on: **(1) Law Enforcement Appropriations, (2) Additional Detention Funds, and (3) Contracted Consolidated Tribal Government Programs; the Annual Budget Formulation and Appropriation vs. Actual Funds.** First of all, the Ramah Navajo community sincerely appreciates the House Appropriations Subcommittee on Interior, Environmental and Related Agencies holding these hearings on an annual basis. You have listened to us, taken action to resolve our issues and helped to move forward other matters toward resolution. We are very grateful for the support of our Congressional Delegation and this committee in addressing many of our previous requests. Our testimonies from past years have seen results, such as these:

- (1) Settlement of the class action suit, *Ramah v. Salazar*. We had our last Court Fair Hearing and the final settlement of \$940 million has been approved. 699 tribes and organizations will start receiving their portion of the settlement in the Summer of 2016.
- (2) The Contract Support Cost is now being funded the full 100% each year; and
- (3) We have successfully contracted the Roads Maintenance Program and are awaiting approval on the Housing Improvement Program.

This year we are bringing our priority needs and issues to your attention. We respectfully request your sincere consideration and advocacy with appropriate Agencies to resolve these outstanding needs and issues. They are:

**1) Law Enforcement Appropriations Request:**

**Congress to Appropriate Monies for Ongoing Services Needed by the Ramah Navajo Police Department.** In particular, we request a \$500,000 appropriation to fully fund salaries of Ramah Chapter police officers in compliance with CFR 25, Subpart D, §12.34. All contracted police officers through P. L. 93-638 must be paid the same wages as a BIA police officer; however, the BIA does not fund this mandate. At this time, we are losing officers to other jurisdictions because the Chapter cannot pay competitive wages.

We spend about \$75,000 on each officer that we train, send to the Academy, and earn their commissions from the Federal Government, the State of New Mexico, the Navajo Nation, and several counties. This means we lose \$75,000 every time an officer leaves because of poor pay. Since 2012 to 2015, seven (7) officers have left for better pay and more opportunities.

It is true that there is currently a “feeding frenzy” from larger agencies who are giving pay increases, officer sign on bonus money, college education loan payments, housing down

payments, and other stipends for knowledge, abilities, and skills like bi-lingual, college degree, specialty team, etc..., to solicit and offer smaller agency personnel (like RNPd) who have certified police officers, to come to work for the larger agency.

Understand that the OJS administration budget for FY 2015 was \$32,836,685. Yet, the Indian Affairs FY 2016 Budget Justification displays a FY 2015 appropriation of only \$6,250,000 for "Law Enforcement Program Management." This leads us to believe that BIA OJS keeps \$26,586,000 of the Criminal Investigation and Police Services budget for their own internal administration. Funds for Criminal Investigation and Police Services should be used only for actual services. The entire budgeted amount, or at least a much larger portion, should be going to the Tribal Contracted Law Enforcement Program that provides essential services to its constituents. We are asking for this base funding increase to comply with regulations and to keep good, hard-working officers in our Police Department. Our Officers should be salaried at the same rate as Federal/Bureau Police Officers and comparable to the chart below.

Police Agency Name	Recruit	New Commissioned	Mid Point	Maximum	% RNPd Under Paid
Ramah Navajo Police	<b>\$19,344.00</b>	<b>\$26,000.00</b>	<b>\$29,993.00</b>	<b>\$37,440.00</b>	
BIA OJS Police	\$32,598.00	\$32,598.00	\$44,437.00	\$50,253.00	31%
New Mexico State Police	\$33,280.00	\$44,408.00	\$48,859.00	\$53,830.00	42%
Laguna Tribal Police	\$25,334.00	\$32,260.00	\$40,310.00	\$48,380.00	20%
Zuni Tribal Police	\$23,233.00	\$34,673.00	-	\$43,326.00	23%
Gallup Municipal Police	\$36,566.00	\$39,624.00	\$52,000.00	\$55,286.00	34%
McKinley Sheriffs Dept	\$36,400.00	\$39,624.00	\$52,000.00	\$55,286.00	34%

**2) Detention Facility Funding Request: BIA-OJS Funding for the Operation of Ramah Chapter's New Detention Facility, \$852,720.00.**

Ramah was awarded an American Recovery and Reinvestment Act for Correctional Facilities grant from the Department of Justice for \$3.8 million on September 21, 2009. Our Detention Facility is at 99% completion with final completion by June 30, 2016 and will be ready for operation as soon as the BIA issues the Certificate of Occupancy. To open our doors, we need the following additional funding:

Additional Recurring Operational Costs for FY 2017 and Thereafter- \$852,720.00. We are in the process of redesigning the staffing, operations and maintenance of the new detention facility with certified corrections personnel as required by law. To meet the BIA standards and requirements, the Detention Center must be funded at this level in FY 2017 and thereafter. We have submitted numerous requests with the BIA-Office of Justice Services for additional funds that are needed in three areas:

- (1) Add eight (8) certified corrections officers to staff the new facility that will be opening in the fall of 2015. The new facility will require a total staff of 25.5 full time certified staff to operate the facility per BIA standards and requirements;

- (2) Additional operational costs of a modern detention facility, including complex technological security systems and communications; and
- (3) Additional costs associated with obtaining other services (such as mental health, violence reduction, and addiction counseling) to inmates.

We are already short on providing much needed operating costs with our current recurring budget of only \$361,000 per year for a small facility with only 8 officers. When our new facility opens, we will have additional space to manage and will need 8 additional officers to meet the minimal needs of new expanded facilities and will incur additional operating expenses to manage the larger facility.

We are pleased that the BIA has requested an increase of \$1.0 million for Detention and Corrections in the FY 2017 budget request. We request that additional funds be allocated in a fair, open and honest manner, and not just to BIA-operated detention facilities. However we question the distribution for the FY17. The FY 2017 Indian Affairs budget justification displays the FY 2016 enacted budget for Detention and Corrections as \$95,305,000 (page 1A-PSJ-1). The display of FY 2016 base funding for Detention and Corrections (on Appendix 1-12) displays the following costs:

**Corrections – OJS: Deputy Associate Director, \$1,896,351. District 1-\$384,128, District 2-\$150,896, District 3-\$513,669, District 4-\$525,509, District 5-\$322,534, District 7-\$150,896, District 8-\$191,135.**

It appears that the BIA Office of Justice Services retained \$3,135,118 (3.3%) of the \$95,305,000 that was appropriated for Detention and Corrections in FY 2016 for administrative purposes. Therefore; we question the following;

1. Why are these amounts, which total \$3,135,118 not listed as Program Management?
2. What direct services are provided by the District Offices for corrections?
3. What was the OJS plan to allocate \$2,129,378 that was retained by “Pending New Facility Increases to Tribes”?
4. What was the OJS plan to allocate \$1,267,000 that was retained as “Distribution of 2015/2016 Fixed Cost Increases”?

### **3) Annual Budget Formulation and Appropriations vs. Actual Funding Request:**

Congress to Recognize the Identified Needs of the Chapter and Appropriate Funds. The BIA Funding Process is not Transparent or Fair. Every year the BIA puts tribes through an “exercise” to prioritize unmet needs and budget requests. The Chapter complies with these requests, and even if our local priority makes it to the national priorities list, the funding increase is never received at our 638 tribal contracted levels. However, the similar programs operated directly by the BIA receive substantial increases, especially in the area of law enforcement.

**Request:** Increase overall P. L. 93-638 Funding for the Chapter. At this time, the Chapter’s P. L. 93-638 funds need to be increased 25% across the board to begin to meet the needs of the community. Further increases are needed to continue to meet the needs of this community. Funding is supposed to be at the same level as when BIA was operating these programs. Yet it’s not happening.

Funds are not coming down to the tribes that are contracting under Indian Self-Determination Act, P.L. 93-638. We are kept at the previous funding level each year and we have not received increases unless a program has become one the top priorities at the national

level. But we see BIA operated programs receiving additional funds that have the newest vehicles, equipment, and technology for their programs. Yet, the Chapter is using old equipment, working in antiquated buildings, and has limited technology. Our employees have not had a cost of living increase since 2009. In fact, as the table below demonstrates, our funding has declined substantially over the last five years, even though our needs have significantly increased. We contracted the Road Maintenance Program and BIA did not accept our Start-Up funds request to purchase new heavy equipments, instead we received equipments that are over 30 years old that are in constant need of repairs. Nor is it funded at the formula that is established base on miles of roads being maintained.

The table below shows over the past five (5) years what Ramah Navajo Chapter has received;

Contract	Year-2011	Year-2012	Year-2013	Year-2014	Year-2015
Master-CTGP	\$ 786,209	\$ 784,103	\$ 764,290	\$ 764,290	\$ 764,290
Fac. O&M	\$ 135,978	\$ 135,978	\$ 106,259	\$ 99,138	\$ 108,968
Law Enforcement	\$ 667,377	\$ 674,906	\$ 650,868	\$ 673,323	\$ 650,868
Correction	\$ 369,882	\$ 377,500	\$ 361,295	\$ 363,903	\$ 361,295
<b>Total:</b>	<b>\$1,959,446</b>	<b>\$1,972,487</b>	<b>\$1,882,712</b>	<b>\$1,900,654</b>	<b>\$1,885,421</b>

It has been almost two and half months since the law was enacted, and tribal governments are waiting for FY 2016 allocations from the Indian Affairs budget office. The Indian Affairs Budget Officer, Mr. George Bearpaw, has indicated that Indian Affairs programs are being funded under a 5<sup>th</sup> CR while Indian Affairs waits for warrants to be approved by the United States Treasury. In fact, there were only two CRs passed by the Congress and signed into law by President Obama, PL 114-53, which provided federal funding from October 1 to December 11, 2015, and PL 114-96, providing federal funding through December 16, 2015. Funding is not being distributed in a timely fashion.

**We request that this Committee direct BIA to allocate Tribal Priority Allocations base funds to tribal governments and to BIA Agency offices immediately upon appropriation, not months later.**

In closing, the Ramah Navajo Chapter has been very successful and diligent stewards in operating programs under the P.L. 93-638 and has been meeting the needs of the Band of Ramah Navajos since 1986. We value the funds that are appropriated by Congress that have made a difference in the lives of our people. We have had “clean” audits since 1986. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organizations to provide much needed services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Thank you.

Nancy R. Martine-Alonzo, Secretary/Treasurer,  
Ramah Navajo Chapter

Mr. SIMPSON. Thank you, and thank you all for being here today for your testimony, and giving this subcommittee the information it needs as we try to put together the budget for the coming year, and how the budgets that we have put together have been in Indian Country. So we appreciate it.

Betty.

Ms. MCCOLLUM. Thank you. So if I understand from looking at the chart and hearing what you're saying, part of your problem is that you just cannot keep up with the pay. That goes on in on very small municipality in my city. In North St. Paul, we had eight officers, and we had to compete with Ramsey County and St. Paul PD. It was just a terrible fact of life because sometimes a recruit would come in, get a little experience, and leave. Sometimes we were lucky enough to have somebody stay.

So this is an issue where you are competing even among other tribal chapters, right?

Ms. MARTINE-ALONZO. Yes, we are, and we spent about \$75,000 to get our officers, when they're recruited and they come into our force, we provide that much in training, and time, and getting them certified do the work out there because our law enforcement doesn't only serve the reservation or the Ramah Band of Navajos. It's in a rural area where we have a State road that goes through our reservation. And so, they assist and they are cross-deputized for State officers.

We also have the El Morro National Monument and the El Malpais Monuments. And so, they serve in those capacities as well, so they work with a lot non-natives.

Ms. MCCOLLUM. If I heard you correctly, you are saying you are paying for their training?

Ms. MARTINE-ALONZO. Yes. When we have officers that come that we hire, we have to put them through training so they can become fully certified in a lot of areas.

Ms. MCCOLLUM. You do not have a contract with them for X number of years or something after you do that training? We are all making military academy appointments right now, and there are contracts with that.

Ms. MARTINE-ALONZO. We have not, I think because our salaries are not competitive enough. And so, they have those areas, and most of them are community members, but they see it to their benefit to go where the funds are. And I understand what you are saying, and that would be one way, but you are kind of caught between a rock and a hard place. Do you want to limit your community members from their potential and earning power, you know? And it is just a difficult area.

But we know there are funds out there. We just want it to be distributed more equally and fairly for our community. Thank you.

Ms. MCCOLLUM. Gentlemen, you were talking about a different electronic system record. We heard today about the RPMS system. Were you on that system prior to moving to this one that is similar to the Department of Defense?

Mr. BOLTON. No, we were not. We were not on an electronic health record.

Ms. MCCOLLUM. At all?

Mr. BOLTON. We had a practice management system and a lab information system, but we did not have an electronic record system.

Ms. MCCOLLUM. So the rest of you were on RPMS?

Mr. CLEMENT. Most of us were on PRPMS previously.

Ms. MCCOLLUM. Okay. Are you on that now?

Mr. EBY. We are the home for the Cerner product he is talking about.

Mr. CLEMENT. I am still on RPMS.

Ms. MCCOLLUM. Oh, I am sorry.

Mr. CLEMENT. We just signed the contract to move.

Ms. MCCOLLUM. So these are choices available to you. You can sign contracts. I am going to learn more about this, but you had the option of changing a contract.

Mr. BOLTON. Part of self-determination is that we make decisions locally to best fit the tribes, the local tribes. Unfortunately with something like an electronic health record. That causes lots of issues when you have multiple electronic health record systems. Fortunately in the Alaska right now after southcentral and TH, the consortium, and ANMC, the largest tribal hospital in the country, went with Cerner. And it is the same electronic health record that the Department of Defense is going with.

A number of the tribal health organizations are going on that. A few of the smaller clinics did. Our hospital was the first critical access hospital remotely to go on it. SEARHC is going to be the next one. And so, we are really pleased that that is happening almost statewide in a lot of respects.

Ms. MCCOLLUM. I get that you went with the Cerner system. Would the VA system have been something that you could have contracted or looked at, or would that not have been possible? A couple of us are on the Defense Committee, and I was on the VA subcommittee, so I know all about the difference between the two systems.

I am just asking whether or not that would have possibly been an option had you wanted to do that, or is there prohibitions from doing that? I am not asking you to judge the system.

Mr. BOLTON. Well, RPMS is very similar to the VA system. They have the same underlying infrastructure.

Ms. MCCOLLUM. No, they do not talk to each other very well.

Mr. BOLTON. They do not, and we really could have chosen any system we wanted. We had signed a contract with another private vendor before we fortunately went with Cerner, so we have the right to sign any contract we want.

Mr. EBY. We have been way down the VA road for 15 years, and we have tons of conversations with the VA over the years. It is just not compatible with what we do. We do a huge amount of women's, and children's, and family.

Ms. MCCOLLUM. The coding in all that.

Mr. EBY. And the billing, and the VA set it up primarily for adults and older folks, and very little women and children, and very little pediatrics, and very little coding and billing, and all of that.

Ms. MCCOLLUM. Yeah. I get the coding and billing part of it. So this company that does the Department of Defense system, you are

able to buy something off the shelf, and then plug in what you want to it, and they customized it for you?

Mr. EBY. Yes. Yes.

Ms. MCCOLLUM. Okay.

Mr. CLEMENT. I think the interesting point of a lot of this—  
Voice. Microphone.

Mr. CLEMENT [continuing]. Is something that, you know, this is something we are paying for, you know.

Ms. MCCOLLUM. Right.

Mr. CLEMENT. RPMS comes as a part of our residual at headquarters, IHS. You know, we have money here both in the area office in Alaska and here at headquarters in Rockville. And with that, money that we leave behind, we get to use RPMS for free. I mean, it is not free, but it is included in our compact arrangement.

And it is such a disparity between RPMS can offer and what we can get off the shelf with a commercial vendor. You know, we choose to pay multi millions of dollars to go down that path. We see it both as a patient health and outcomes resources, and also sort of a good financial investment. And that should illustrate the disparity between what is available in the commercial sector and what is available to us otherwise.

Ms. MCCOLLUM. Okay. I am going to ask one more question, and then I am going to turn to our bright staff over the coming days to understand this.

So this RPMS system is not a contracted system that the Bureau of Indian Health uses. It is their own system.

Mr. CLEMENT. Correct.

Ms. MCCOLLUM. And they do not keep it updated.

Mr. EBY. It is such a massively complicated thing. We have been down this road 15 years, VA, VA, RPMS, lots of different commercial vendors. We have tried and looked at tons and tons of different things. But it is moving too fast, and to expect the R&D portion of the IHS to keep up with international vendors that invest bazillions because they sell them all around the world is just an unrealistic thing.

Modern medicine is way too complicated to have lots of small handcrafted things created ad hoc by different agencies. It is why the DOD has gone off the shelf now.

Ms. MCCOLLUM. This was a good system in its day, but it cannot keep up because the kind of investment we would have to make to keep up with what you can buy off the shelf would be taking away healthcare and putting it into IT.

Mr. EBY. It is also created for small, rural, remote locations, and we run big tertiary facilities with ICUs, and CCUs, and ERs, and operating rooms. And it was never built to handle that.

Mr. BOLTON. And there is also called meaningful use that we are all subject to where we lose reimbursement if we are not meaningfully using the technology, and RPMS makes that very difficult. We do not receive sufficient funding to run our operations. We have to make it up with third party payments, so we have to have a very efficient system to bill out of, to code and to bill, and Cerner by far surpasses anything RPMS can do.

Ms. MCCOLLUM. I am breaking my own promise. This is the last question. Can you bill back the VA using this system? If you have veterans, you can bill back?

Mr. BOLTON. Correct.

Ms. MCCOLLUM. Thank you, Mr. Chair. This is another new thing I have to learn.

Mr. SIMPSON. Good.

Ms. MCCOLLUM. You are going to learn it with me.

Mr. SIMPSON. No, I am not.

Mr. BOLTON. You can come and visit Nome any time and see it working if you would like.

Mr. SIMPSON. I am not into computer systems. That is something that is beyond the jurisdiction of this committee actually. That is something that the technocrats get to do, not us.

Ms. MCCOLLUM. Well, we are not doing it.

Mr. SIMPSON. That is because we do not do it.

This concludes today's public witness hearing regarding the Fiscal Year 2017 budget for American Indians and Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I want to again thank all the distinguished tribal elders and leaders who testified today and sat in the audience. I can assure you that your voices are heard by this subcommittee.

As I said in my opening statement, for those new to this process, today's hearings are just the start of a dialogue we have come to depend upon to help us make smart choices in the budget, and to earn the votes of our colleagues.

Please feel free to reach out to the subcommittee in the days and weeks ahead as we work to address the many valid concerns we have heard today.

The hearing is now adjourned. Thank you.



FRIDAY, MARCH 18, 2016.

TESTIMONY OF INTERESTED INDIVIDUALS AND  
ORGANIZATIONS

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**PUBLIC WITNESSES—AMERICAN INDIAN AND ALASKA  
NATIVES**

Mr. COLE. We are going to go ahead and get started. I think Ms. McCollum will be here shortly, but just in the interest of time, so we can stay on schedule, we will go ahead and start.

So I want to welcome all of you to this public witness hearing, specifically for American Indian and Alaska Native programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee. I especially want to welcome the distinguished tribal elders and leaders testifying today and in the audience. Most of you have traveled a long way to be with us here this week.

As the chairman said yesterday in his opening, American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee, but we cannot do it alone. We need your help communicating to our colleagues because honoring the Nation's trust and treaty obligations is a responsibility shared by all Members of Congress, regardless of State or congressional district.

Before I begin, I have got a bit of housekeeping items to share with you. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. The hearing can be viewed in its entirety on the committee's Web site, and an official hearing transcript will be available at [gpo.gov](http://gpo.gov).

I will call each panel of witnesses to the table one panel at a time. Each witness will have 5 minutes to present testimony. Your full written testimony will be included in the record, so please don't feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may even earn you brownie points on this panel. It certainly will with the people that are coming up next behind you.

We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, I will have to ask the witness to stop.

We will hear from every witness on each panel before members will be provided an opportunity to ask questions. Because we have a full day ahead, I request that we try to keep things moving in order to stay on schedule and respect each other's time, and I am sure, frankly, many of you probably have planes to catch as well, so we want to be sensitive to that.

With that, I want to thank you again for being here today, and I am happy to welcome you. When Ms. McCollum comes, I will yield time for her at the end of whatever panel she arrives at so that we can have statements. I also want to make a special point of thanking Chairman Calvert. We are operating on a very abbreviated schedule this year, and frankly, there was some thought that perhaps we wouldn't have public witness panels, but he felt and certainly Ms. McCollum and I felt this is a really important function for this committee, so you got the poor staff working over-time, and Congress isn't in session, but this committee certainly is. So that is how highly we think of you and the testimony and the point of view that each of you who are going to speak here have to present to us today.

So, with that, let me welcome our first panel. We have got Chief Baker from the great Cherokee Nation of Oklahoma; Mickey Peercy, the executive director of self-governance to the Choctaw Nation; Sara Smallwood, the director of public policy and Promise Zone coordinator, also with the Choctaw Nation; and Cynthia Boone is with us from the Osage Minerals Council.

So, if we can, you know, we always give preference around here to Cherokees, Chief, so you are first up, and we would love to hear whatever testimony you care to present.

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FRIDAY, MARCH 18, 2016.

## CHEROKEE NATION

### WITNESS

#### **BILL JOHN BAKER, PRINCIPAL CHIEF, CHEROKEE NATION**

Mr. BAKER. Thank you, Chairman Cole. It is my honor and privilege, and osiyo. I am Principal Chief Bill John Baker of the Cherokee Nation, America's largest federally recognized tribe with more than 330,000 tribal citizens across the country.

During my time in office, I have worked hard to address the extreme health disparities that plague tribal communities in northeastern Oklahoma. Over the past 5 years, we have wisely invested more than \$100 million of our business profits to build and renovate health clinics. These facilities will improve the health of our citizens. However, to truly serve our people, we needed a way to move forward on a major expansion of our aging and overcrowded hospital.

Unfortunately, the IHS construction backlog would not allow for a speedy resolution to our problem. Rather than wait for IHS, we called on Congress to urge the administration to receive new applications for a Joint Venture Construction Program. With the help of this subcommittee earlier this month, the Cherokee Nation signed a historic joint venture agreement with IHS. This will dramatically increase the size of our medical campus and increase our delivery of services as the largest tribal healthcare system in Indian Country.

Our story has made one thing clear: it is better for tribes to seek out bold solutions instead of idly waiting for a day that may never come.

Under our agreement with IHS, the Cherokee Nation will fund facility construction that will save the Federal Government valuable dollars. This is a monumental undertaking, and the Cherokee Nation will spend more than \$150 million on a 450,000 square foot new facility, which is the largest project ever approved by IHS. It will be twice as large as the next largest IHS joint venture facility. Upon the completion, in 3 short years, we will secure better and healthier lives for future generations.

We also know that the dire need for facility construction and repair in Indian Country goes well beyond the healthcare sector. We applaud the subcommittee for focusing on the issue of BIE school construction for fiscal year 2016 appropriations bill. We urge you to continue the momentum by adding funding for fiscal year 2017.

But let's be realistic about how far that funding will go. The schools that applied for education construction funds last year are in need of immediate repair, and, in some cases, total replacement. BIE, however, is still working to complete a priority list created in 2004.

It is time for Congress, the administration, and Indian Country to consider new solutions for school construction; otherwise, we will never be able to address our needs in a timely fashion. One solution could be a BIE equivalent to IHS Joint Venture Construction Program. The Cherokee Nation operates Sequoyah High School, a BIE funded school, with focus on academic success. Last year, Sequoyah ranked fourth nationally in the number of Gates Millennium Scholars per capita. Our youth excel in spite of aging and inadequate facilities. Campuswide plumbing problems have led to significant mold deposits, and the discovery of asbestos led to a temporary closure of dormitories and decreased enrollment.

Like many BIE schools, Sequoyah requires immediate assistance. The need throughout Indian Country is immense, but so is the cost to replace many of these facilities. Only 10 BIE schools were selected to apply for funding. Sequoyah was not one of the schools picked, and considering the huge backlog, we are not likely to be anytime soon. This is why we must embrace innovative answers.

What if tribes were able to incur construction costs for these facilities in exchange for a fixed operating and maintenance cost? We could begin to alleviate the backlog and create new educational opportunities in Indian Country. If we wait for BIE to slowly work through the list, we will be in the same place year after year.

We urge the subcommittee to consider new solutions to the problem of school construction. One clearly possible is a new joint venture-like program for BIE. The consequences of waiting are too high. Our children's education is at stake.

Thank you for granting me the opportunity to testify before you today, and wado.

[The statement of Mr. Baker follows:]

**Testimony of Bill John Baker, Principal Chief, Cherokee Nation**  
**House Interior Appropriations Subcommittee**  
**March 18, 2016**

Chairman Calvert, Ranking member McCollum, Chairman Cole, and distinguished members of the subcommittee:

Osiyo.

My name is Bill John Baker, and it is my deep honor to serve as Principal Chief of our country's largest Native American tribe, the Cherokee Nation. Thank you for granting me an opportunity to speak with you today.

The state of Oklahoma held its presidential primary earlier this month, and in the days and weeks leading up to Election Day the good people of Oklahoma were inundated with a host of television and radio ads that said Washington is broken. Congress doesn't work for the benefit of the people, the President doesn't listen to Congress—Washington just can't get things done.

About the same time these ads were airing, the Cherokee Nation was in the process of finalizing an historic agreement with the Indian Health Service that will dramatically increase the capabilities of Indian Country's largest tribal health care system and usher in a new era of health care in northeast Oklahoma.

Washington isn't irreparably broken—as our story shows, it can get things done.

A few years ago I sat before this subcommittee and asked you to urge IHS to receive a round of new applications for the Joint Venture Construction Program. Many of you then signed onto a bipartisan letter led by Chairman Cole and Ranking member McCollum that called on IHS to reopen the program. This subcommittee pushed the full committee to include language in its committee report stressing the program's importance. Members of both parties augmented this effort with calls and letters to IHS and the administration.

Last year, IHS reopened the Joint Venture Construction Program and we submitted an application.

And later this year, the Cherokee Nation will break ground on what will be the largest facility ever built under the JV program. This 450,000 square foot facility will be constructed in our capital city of Tahlequah at an estimated cost of more than \$150 million. Per our agreement with IHS, we will provide the upfront construction costs, alleviating IHS of its trust responsibility for health care facility construction and saving valuable federal resources. Once the facility is completed, IHS will provide annual funding packages to cover staffing and operations costs. This agreement—approximately \$80 million a year for a minimum of 20 years—is the largest ever struck between IHS and a tribe.

This health care facility, which we expect to complete in late 2019, will be absolutely transformative for the entire Cherokee Nation and future generations of tribal citizens in

northeast Oklahoma. It will expand our ability to deliver world-class health care and allow for the introduction of specialty services in the fields of surgery and endocrinology. The facility will also house many additional new upgrades to our ambulatory care, podiatry, audiology, dental care, eye care, primary care, specialty care, behavioral health, health education, nutrition, and diagnostic imaging capabilities.

During my tenure as Principal Chief, no issue has been more important to me than the continued expansion of our health care services. It has been my mission to help drive down the extreme health disparities that plague our region and the entirety of Indian Country. Over the past five years we have wisely invested more than \$100 million of our business profits in clinic construction, expansion, and renovation in an aggressive effort to improve the wellness of our citizens, both individually and collectively.

The new state-of-the-art health center will be the cornerstone of this effort and the crown jewel of our health care system. When we envisioned an expansion of the W.W. Hastings complex, we planned to take a big step forward—instead, we’re taking a giant leap.

This is a monumental undertaking. This facility is far and away the largest project IHS has ever approved. It will be twice as large as the next largest IHS joint venture facility. In three short years, when we dedicate this new complex, we will know that future generations will live better and healthier lives.

But there is far more work to be done.

Everyone in this room knows the dire need for facility construction and facility repair in Indian Country goes far beyond the health care sector.

For instance, the construction and rehabilitation backlog for BIE schools is an estimated \$1.3 billion, and considering that estimation was based on just 68 schools, not the 78 that recently applied for school construction and rehabilitation funding, the figure may be somewhat conservative. Fifty-five of those 78 schools are deemed to be in “poor” condition, and the other schools were at least five decades old and educating the vast majority of their students in portable buildings.

We applaud the subcommittee for highlighting this issue and dramatically increasing the education construction account in the FY 2016 appropriations measure, and **urge you to continue that momentum with additional funding for this purpose in FY 2017.**

That said, we also need to be realistic about how far that funding will go. The schools that applied for education construction funds last year are in need of immediate repair—or in some cases, total replacement. BIE, however, is still working to complete a priority list created over a decade ago. If today 55 schools are considered to be in “poor” condition, how bad will they be in a decade or two or three when BIE has worked through enough priority lists to finally reach all of them?

We further understand the fiscal challenges you face when putting together your bill. If you were to appropriate the necessary amount to repair or replace all of these schools, every other program under the subcommittee's jurisdiction would face the prospect of flat funding or cuts.

It is time for Congress, the administration, and Indian Country to consider new ways of tackling this vital issue and new solutions for school construction. Otherwise, we will never be able to address all of the needs. We applaud the subcommittee for urging the administration to "consider alternative funding mechanisms appropriations for replacing schools and facilities, including the use of bonds" in last year's House committee report.

**One possible solution could be a BIE equivalent of the IHS Joint Venture Construction Program.**

We operate Sequoyah High School, a BIE school in Tahlequah, OK. Sequoyah has an enrollment of 367 students from 24 tribes and has a strict focus on academic success. Last year, Sequoyah ranked fourth nationally in the number of Gates Millennium Scholars per capita, and the 2014-15 graduating class earned over \$3.7 million in college scholarships. Additionally, Sequoyah High School has a 100% graduation rate.

Our students achieve in spite of Sequoyah's aging and generally insufficient facilities. Sequoyah consists of 17 structures, 13 of which are more than 40 years old. The main high school and the science classrooms are 49 years old, and the robotics classroom is 85 years old and located more than a quarter-mile from the main high school. In the face of these challenges, the robotics team recently captured the state championship.

Approximately a third of Sequoyah students live on campus. At present, however, the residential dormitories have been relegated to a temporary dormitory due to the discovery of significant mold deposits throughout the entirety of both the boys and girls dormitories. This has placed a limit on the number of dormitory units available to students, which in turn negatively impacts enrollment (about 50 students per year have been denied admission to Sequoyah simply due to a lack of dormitory space). Mold has been caused by leakage in roofs and plumbing systems and asbestos has been discovered in many facilities, requiring extensive abatement.

A key problem at Sequoyah is major plumbing issues virtually campus-wide, resulting in a substantial amount of water leakage incidents. Aged plumbing systems have caused leakage issues in all but one building. This greatly contributes to the mold concerns that require extensive abatement and repair.

BIE's Operation and Maintenance funding is not enough to meet the needs of the school, and, as such, the buildings continue to degrade, space continues to be an issue, and enrollment continues to fall.

Like so many BIE schools, Sequoyah requires immediate assistance. Yet because of the great need throughout Indian Country, and the great cost to the federal government to replace many of these facilities, earlier this year BIE selected just 10 schools to move forward with the

application process for school construction funding, and eventually will select just five to move forward with repairs. Sequoyah was not one of the schools selected to continue with this process.

And considering the backlog, I find it hard to believe we will be selected any time soon under the current criteria and program guidelines. The need for repair, however, will still be there.

This is why we need new ideas and solutions. If tribes were able to incur construction costs for these facilities in exchange for fixed operations and maintenance costs—like the IHS joint venture—we might be able to begin to alleviate some of the significant backlog and create new educational opportunities in Indian Country. If we maintain the status quo and wait for BIE to go through the entire list, we'll be in the same place year after year.

We cannot simply wait for funding that is unlikely to come. The challenges are too great, and the consequences of delay are too much. Therefore, we urge the subcommittee and all of Indian Country to rally around new solutions to the problem of school construction, including a new joint venture-like program for BIE.

Finally, we continue to support full funding of IHS and BIA contract support costs, and continue to call for acceptance of the proposal to reclassify CSCs as mandatory appropriations. As you know, the Cherokee Nation has long been a leader in the self-governance arena. We were among the first tribes to enter into self-governance compacts: our compact with the Department of the Interior was signed in 1991, and we followed that with a compact with Indian Health Service in 1993.

We filed our first claim for contract support costs in 1994. For more than 20 years, the Cherokee Nation and other tribes have been litigating contract support cost issues to establish that the federal government's legal obligation to fully fund these costs is necessary to fulfill the policy of tribal self-determination. The U.S. Supreme Court has, on three occasions, confirmed this principle through rulings in *Cherokee Nation et al. v. Leavitt*, *Salazar v. Ramah Navajo Chapter*, and *Arctic Slope Native Association v. Sebelius*.

Despite these rulings, the federal government has not always lived up to its obligations. When the United States does not fully pay contract support costs, we must find ways to make up the shortfall. This means realigning our priorities and reducing funds budgeted for critical health care, education, and other tribal services. For every \$1 million that the Cherokee Nation must divert from direct patient care to cover contract support costs, we are forced to forego about 6,000 patient visits. Failure to fully fund these costs impedes our ability to meet the tribal health care needs and the other needs of Cherokee citizens.

Thank you again for this opportunity to testify.

Wado.

Mr. COLE. Thank you very much, Chief, and right on time.  
Perfect timing. He set the bar high for you, Mickey. We will move to you next.

Mr. BAKER. I wanted brownie points.

Mr. COLE. You got them. You got them.

FRIDAY, MARCH 18, 2016.

## CHOCTAW NATION OF OKLAHOMA

### WITNESS

**MICKEY PEERCY, EXECUTIVE DIRECTOR, SELF-GOVERNANCE, CHOCTAW NATION OF OKLAHOMA**

Mr. PEERCY. Good.

Thank you. My name is Mickey Percy, executive director of self-governance, Choctaw Nation of Oklahoma. We are privileged and proud to be here; we always are.

Greetings from Chief Gary Batton, Chief of the Choctaw Nation. We are the third largest tribe in the Nation, and again, we are going to double-team you here, but with the stuff I have got, we will go fairly quickly.

I can't go any further without saying I have Carmelita Skeeter in back of me, and she runs the Tulsa Indian Resource Center, and let you know Choctaws do support urban health.

So is that okay, Carmelita?

Ms. SKEETER. Thank you very much.

Mr. PEERCY. Okay. And moving—always have. All the tribes have many, many tribal members living in urban areas, and urban health is important.

You have my written testimony. I will speak to several things. I want to speak to joint ventures as the chief did in a few minutes, but one thing, this subcommittee protects us from sequestration, unilateral rescissions, and other cuts. Please, please continue to be vigilant, and when the term “sequestration” comes and the rescissions, protect us from those. Those dollars leave, and they never come back, so that is an issue. So that is a high priority.

We do support the President's 2017 budget special diabetes program, continue the support, raise, if possible. Contract support cost, we appreciate the 100-percent funding that Congress has made available to us. There are still issues with contract support. There always will be. That is an administrative cost, so it is always going to be questionable. We are finding these days with the tribes we are dealing with the—excuse me—not necessarily with the agency but with the general counsel within the agency, and so that—settlement issues with BIE and Indian Health Service has created some issues with contract support cost.

It will continue to be going. We continue to ask for your support for contract support costs. We do think we have policy that is going to go forward.

Purchased and referred care, the old contract health service, we would appreciate more and more funding—thank you, sir—with contract health. Keep in mind, we have found—and I know the feeling of most of the members of the committee on Medicaid expansion—those States that have accepted Medicaid expansion and

moved forward, and there is less need on those States than there are on those, like Oklahoma, who have not received—did not embrace Medicaid expansion, so it is still extremely important.

Real quickly on the joint venture because we were—with the Cherokees, there were, I think, three initially that were approved for 2017 on the joint venture program. We are moving forward with ours. In fact, steel is up. We are having a topping out ceremony soon, and it is the best way and the only way that tribes can really move forward with construction and bringing about new facilities. You will never get one off the list, as the chief mentioned, but there are issues with the joint venture.

One thing I would suggest, as the chief mentioned, increasing the scope of joint ventures to small ambulatory clinics. There is a legislative area where you can fund small ambulatory clinics; adding a staffing package to that would be very helpful. Our problem we are running into at Choctaw is the fact that we will be in in January 2017. Ours is 144,000—square foot, so it is smaller but also has the only outpatient surgery clinic in IHS or the tribes.

Our issue is we will be in January 2017. The money that has been appropriated—or is set aside for us with IHS is only \$12 million. We plan on being in before that. It is a new clinic, so we have 294 staff, docs, nurses, all the staff. We are going to have to fund those until what is called a beneficial occupancy thing in the appropriations language—that is construction language. That doesn't have anything to do with providing services to people, so we are asking you to—we are working with IHS. Please work with IHS to allow them to assist in funding for those additional 2 months to allow us to hire, train, put people to work. That was pretty good, huh?

[The statement of Mr. Peercy follows:]



## Choctaw Nation of Oklahoma

PO Box 1210 • Durant, Oklahoma 74702-1210 • (580) 924-8280

Gary Batton  
Chief

Jack Austin, Jr.  
Assistant Chief

**ORAL TESTIMONY PRESENTED BY  
MICKEY PEERCY, EXECUTIVE DIRECTOR, SELF-GOVERNANCE,  
CHOCTAW NATION OF OKLAHOMA  
ON THE FISCAL YEAR 2017 BUDGETS FOR IHS AND BIA  
TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
March 18, 2016**

Good morning to distinguished members of this Subcommittee thank you for inviting the Choctaw Nation of Oklahoma to present oral testimony on the FY 2017 President's Proposed Budgets for the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA). I submit this testimony on the funding priorities and budget issues important to the Choctaw Nation and its citizens.

**The Choctaw Nation requests that Congress exempt Tribal Government Services and Program Funding from Sequestrations, Unilateral Rescissions and Budget Cuts in all future appropriations.**

**CHOCTAW NATION TRIBAL SPECIFIC REQUESTS IN INDIAN HEALTH SERVICE**

- A. \$24 MILLION JOINT VENTURE PROJECT STAFFING FOR CHOCTAW NATIONAL REGIONAL MEDICAL CENTER**

**NATIONAL BUDGET REQUESTS – INDIAN HEALTH SERVICE AND BUREAU OF INDIAN AFFAIRS**

- B. Special Diabetes Program for Indians – Reauthorize at \$200 million/year for 5 years**
- C. Contract Support Costs – Indian Health Service and Bureau of Indian Affairs**
  - 1. \$800 million for IHS full funding (\$82 million above 2016 enacted)
  - 2. Reclassify CSC funding as Mandatory for 2018-2020
  - 3. \$278 million for BIA full funding (\$1.0 million above 2016 enacted)
  - 4. Remove Provisions from all future appropriations "amounts obligated but not expended by a Tribe or Tribal Organization for the current fiscal years shall be applied to CSC otherwise due for such agreements for subsequent fiscal years"
- D. Purchased and Referred Care (PRC) (Formerly Contract Health Services). The President's FY2017 Budget includes \$48.2 million increase**
- E. IHS Mandatory Funding (Maintaining Current Services) – PROVIDE AN INCREASE OF \$482.4 million over the FY2016 President's Proposed Budget**
- F. Provide Funding Increases to Support the Office of Tribal Self-Governance (IHS) and the Office of Self-Governance (DOI) to fully staff the operations to build capacity to support the increased number of Tribes entering Self-Governance**

**The Choctaw Nation supports the FY 2017 Budget Requests of the National Congress of American Indians and the National Indian Health Board.**

*Choctaws – growing as one with pride, hope and success*

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**The Choctaw Nation of Oklahoma**

The Choctaw Nation of Oklahoma is the third largest Native American Tribal government in the United States with over 208,000 members. The Choctaw Nation territory consists of all or part of 10 counties in Southeast Oklahoma, and we are proudly one of the state's largest employers. The Nation operates numerous programs and services under Self-Governance compacts with the United States, including but not limited to: a sophisticated health system serving over 33,000 patients with a hospital in Talihina, Oklahoma, nine (9) outpatient clinics, referred specialty care and sanitation facilities construction; higher education; Johnson O'Malley program; housing improvement; child welfare and social services; law enforcement; and, many others. The Choctaw Nation has operated under the Self-Governance authority in the Department of the Interior (DOI) since 1994 and in the Department of Health and Human Services' IHS since 1995. As a Self-Governance Tribe, the Nation is able to re-design programs to meet Tribally specific needs without diminishing the United States' trust responsibility. Self-Governance is now a permanent reality for many Tribes.

The Choctaw Nation has improved the health status of our people by operating a health care system that is responsive and designed to meet the increasing complex needs of our users. We have benefitted from access to resources that have enabled us to succeed in the challenging health care field. We owe much to Self-Governance which authorized flexibility to use Federal appropriations in a way that supports the expansion and growth of the health care system we are continuing to build for our people.

**A. \$24 MILLION - JOINT VENTURE PROJECT STAFFING FOR CHOCTAW NATIONAL REGIONAL MEDICAL CENTER**

The Joint Venture Construction Program (JVCP) is a unique opportunity for the Indian Health Service to partner with Tribes and make scarce Federal dollars stretch much farther than in the traditional Federal construction programs. Under the JVCP, the Choctaw Nation will use non-IHS funds to construct a Tribally-owned health care facility that meets IHS design criteria and approval. The IHS will enter into a 20-year nominal lease for the facility and agrees to request appropriations for the operation and maintenance during the lease period.

Choctaw recently settled our past contract support cost claims in both the IHS and BIA; although we have only received payment for the IHS settlement. These funds have contributed greatly to our ability to continue to cultivate a health care system. We have enjoyed partnering with the IHS on two JVCP projects; the first was the Idabel Indian Health Care Center in Idabel, Oklahoma in 2005 and a new Choctaw National Regional Medical Center opening in January 2017. The Choctaw Regional Medical Clinic is a new facility at a new location that will serve Bryan County. It will be equipped with advanced technology which will require new staffing to operate an expanded health system to meet the health care needs of the user population.

As new space, the Choctaw Regional Medical Clinic must meet operational and facility readiness. We will have 284 new staff and we have projected that it will take two months to orientate, educate and train them so that nothing is new about their jobs on day one. This includes staff orientation, proper operating sequences, appropriate staff alignment, technology integration/implementation and equipment education and implementation. The question remains how will the Choctaw Nation prepare new staff for operational and facility readiness with funding?

Language in the FY 2016 Consolidated Appropriations Bill and in the 2017 Budget Proposal will put a strain on negotiations between the Nation and IHS to fund the necessary costs to get the staff in place, trained and ready to open. We have been working with IHS to include sufficient funding in the FY 2017 Budget Request to satisfy their commitment to fund the operational cost of the facility. It is imperative that we are prepared to open the Clinic as scheduled with fully orientated, educated and trained staff for operational and facility readiness.

For Tribes seeking to offer, improve and/or expand access to health care, the JCVF partnership is an added value mutually beneficial partnership between a Tribe, its members and the Federal government. Limitations such as the proviso in the appropriations bill will impede the progress and success of the benefits of this effort.

**B. SPECIAL DIABETES PROGRAM FOR INDIANS – SUPPORT 5 YEAR REAUTHORIZATION AT \$200 MILLION/YEAR**

The Special Diabetes Program for Indians (SDPI) has been a top priority for the Choctaw Nation since it was initially authorized in 1997. SDPI is currently reauthorized through March 31, 2015 at a flat-line rate of \$150 million/year (since 2004). A flat budget for more than the past decade with the annually-rising costs of healthcare translates to a significant reduction in the purchasing power of these appropriations since 2004. Continuing support of the SDPI will maintain critical momentum in diabetes research and care to help bring diabetes-related costs under control. The permanency of SDPI would be a great asset to promoting stability for this important health program and for reversing the trend of Type 2 diabetes in Indian Country. In addition it will provide for staff retention, programmatic long-term planning which increases and improves patient care, and more stable outside contracts with vendors and suppliers.

Congressional funding remains the critical factor in the battle against diabetes and we request that as we continue to work for permanent authorization and mandatory program status, that you urge your colleagues to extend the reauthorization to five (5) years and increase funding to \$200 million/year for the SDPI program.

**C. CONTRACT SUPPORT COSTS - INDIAN HEALTH SERVICE AND BUREAU OF INDIAN AFFAIRS.**

We applaud this Subcommittee for its foresight, leadership and creativity in finding a workable solution to fully pay CSC within a difficult budget environment.

1. **\$800 million for IHS full funding (\$82 million above 2016 enacted); Reclassify CSC funding as Mandatory for 2018-2020** - The President's budget request for CSC

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proposes to fully fund the estimated need for IHS CSC at \$800 million, an increase of \$82 million above FY 2016. The estimated increase also includes a long-term proposal to fully fund CSC by reclassifying IHS CSC to mandatory funding beginning in FY 2018. All Tribes agree that the payment of CSC, which is a legal obligation, should not be achieved by reducing directly services to any Tribes.

2. **\$278 million for BIA full funding (\$1 million above 2016 enacted)**
  3. **Remove Provisions from all future appropriations "amounts obligated but not expended by a Tribe or Tribal Organization for the current fiscal years shall be applied to CSC otherwise due for such agreements for subsequent fiscal years"**
- D. **Purchased and Referred Care (PRC) (formerly contract health services)**. The President's FY2017 Budget includes \$48.2 million increase. The PRC program pays for urgent and emergent and other critical services that are not directly available through IHS and Tribally-operated health programs.
- E. **IHS mandatory funding (maintaining current services) – provide an increase of \$482.4 million over the fy2016 President's proposed budget.** Current services calculate mandatory cost increases necessary to maintain those services at current levels. These "mandatories" are unavoidable and include medical and general inflation, pay costs, contract support costs, phasing in staff for recently constructed facilities, and population growth. If these mandatory requirements are not funded, Tribes have no choice but to cut health services, which further reduces the quantity and quality of health care services available to American Indian/Alaskan Native (AI/AN) people.
- F. **Provide funding increases to support the Office of Tribal Self-Governance (IHS) to fully staff to support the number of Tribes entering Self-Governance.** In 2003, Congress reduced funding for this office by \$4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. As of 2015, there are 351 Self-Governance (SG) Tribes. This represents slightly over 60% of all Federally-recognized Tribes. The Self-Governance process serves as a model program for Federal government outsourcing, which builds Tribal infrastructure and provides quality services to Indian people.

The Choctaw Nation supports the budget requests of the National Congress of American Indians and the National Indian Health Board. Thank you.

Mr. COLE. That is very good, actually, two in a row.

Sara, they are putting the bar up for you, but—

Mr. PEERCY. Sara-Jane will never beat that.

Mr. COLE. We are delighted to recognize you for your testimony, Sara Smallwood, and glad you are here, so you are recognized.

FRIDAY, MARCH 18, 2016.

## CHOCTAW NATION OF OKLAHOMA

### WITNESS

**SARA SMALLWOOD, DIRECTOR OF PUBLIC POLICY AND PROMISE ZONE COORDINATOR, CHOCTAW NATION OF OKLAHOMA**

Ms. SMALLWOOD. All right. Well, thank you, Mickey, for that lead in right there.

Mr. PEERCY. Trying to help.

Ms. SMALLWOOD. Halito. Mr. Cole, members of the subcommittee, thank you so much for having me here today.

My name is Sara-Jane Smallwood, and I grew up within the Choctaw Nation Promise Zone and its poorest county, Pushmataha County. I am here to make a very important request today that will give real promise to America's Promise Zones. The Choctaw Nation Promise Zone is the only Promise Zone administered currently by a tribal nation. On behalf of my chief, the Honorable Gary Batton, I am here today to testify on the Choctaw Nation's accomplishments, challenges, and our recommendation for the Promise Zone initiative.

Our Nation encompasses almost 12,000 square miles. In January 2014, all of our 10½ counties fell into USDA's extremely high poverty designation; 20 percent of adults had less than a 12th grade education; and 15 lacked basic literacy skills. We are using the Promise Zone designation to combat these statistics by partnering with hundreds of local, municipal, educational, business, and other partners all around southeastern Oklahoma. Our goal is to move southeastern Oklahoma forward.

For example, some of these partnerships have included a \$15 million grant partnering with local Head Starts and childcare providers. This improves access to high-quality early childcare education and early childcare provision for low-income infants and toddlers.

Another example is our ConnectHome initiative with HUD. We were selected as a pilot site in July of last year, and this connects children in our public housing units to low-cost, high-quality Internet service. By the end of the 1-year designation, by July of this year, we will have all Choctaw students in public housing connected to Internet service.

We have worked diligently with our partners to implement the Promise Zone initiative and empower our communities, but we still face challenges. These challenges are also mirrored by the other Promise Zones all around the country, tribal and nontribal.

First is the lack of agency participation. No funding is specifically appropriated to Promise Zone designees. Promise Zones are given preference points in only a handful of competitive grant programs. In 2015, only 13 Federal agencies gave preference to 42

competitive grant programs. This is only 2.5 percent of all Federal grant competitions. 2.5 percent.

Further, most Federal agencies, especially those that have a lasting impact on Promise Zones, have not been involved as lead agencies. We have serious obstacles in meeting our environmental and cultural needs of our Promise Zone, especially within our vast geographic area. This requires the collaboration of all Federal agencies, especially those that have a lasting impact on Indian Country.

Second is the lack of training and consistent implementation across the Federal Government. I would like to commend USDA for their leadership and especially our USDA liaison, Ms. Hewat. They worked hard to help us expand Promise Zone preference, even within USDA and even within the USDA Rural Development Agency.

For example, Choctaw Nation was the original code talkers in World War I. Our language is an important piece of our history, culture, and education. We cover nearly 12,000 square miles, and distance learning is vital to continue this education. Last year, we applied for a distance learning grant, and we didn't get it. This grant also did not include Promise Zone priority, even though it was housed within one of the Promise Zone lead agencies. However, we worked with Hewat and her colleagues at USDA, and this year's application includes Promise Zone priority.

However, to do this across the Federal Government, I need thousands of employees like Hewat and so do the other zones. There are hundreds of programs that are important to Promise Zones, and they should be included in the program, but they aren't and they can't be because a lot of the Federal authorizing language precludes preference points.

So the billing, which we are asking you to adopt today, will allow preference points for all 20 Promise Zones in competitive grants, technical assistance, and other capacity-building opportunities. This will provide clarity and consistency across all zones.

We have been working with the other Promise Zones for 2 years. We have shared our experience, concerns, and our best practices. And in the last week, I have spoken with most of them, and they share our concerns. We all need this language.

Today, your committee has a very unique opportunity to make the Promise Zone initiative better serve some of America's most poor, most structurally distressed, and neediest communities. Your efforts will give real promise to America's Promise Zones.

Yakohe.

[The statement of Ms. Smallwood follows:]

# Choctaw Nation of Oklahoma



Chief Gary Batton  
 Assistant Chief Jack Austin, Jr.  
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## TESTIMONY OF SARA JANE SMALLWOOD CHOCTAW NATION OF OKLAHOMA

**Before the House Committee on Appropriations Subcommittee on Interior,  
 Environment, and Related Agencies**

**Native American Public Witness Hearings**

**March 18, 2016**

Halito sv hochifot Sara Jane Smallwood. Choctaw Nation aminti li. Promise Zone ahofanti li tuk. Vm olhti yvt skvlli iksho hoke. Vm olhti yvt skvlli iksho kvv na moma ka in shahli. Atukq Promise Zone aiimma anumpoli li kvv vm achukma hoke.

Hello my name is Sara Jane Smallwood. I am from the Choctaw Nation. I grew up within the Promise Zone in the poorest county. It is my pleasure to be here to discuss the Promise Zone with you.

Mr. Chairman and Members of the Subcommittee, I am the Director of Public Policy and Promise Zone Coordinator for the Choctaw Nation of Oklahoma. In this role, I oversee the implementation of the White House Promise Zone Initiative for the Choctaw Nation - the only Promise Zone currently administered by a tribal government. On behalf of my Chief, the Honorable Gary Batton, thank you for the opportunity to testify today on the achievements of the Choctaw Nation Promise Zone, our challenges, and recommendations on how to ensure the successful implementation of the Promise Zone initiative in Fiscal Year ("FY") 2017 and beyond.

The Promise Zone designation is an Obama Administration initiative to focus federal agency resources in twenty (20) of the most economically disadvantaged areas in America. To qualify for this designation, urban designees must have an overall poverty or extremely low income rate of 32.5 percent or greater. Rural designees must have a poverty rate at or above 20 percent with at least one census tract at or above 30 percent. To-date, thirteen (13) Promise Zones have been designated, with the remaining seven to be identified by mid-2016. Two designations directly impacting Indian Country have been included among the Promise Zone designations, along with rural Appalachia and inner city areas.

### **Choctaw Nation of Oklahoma Promise Zone**

The Choctaw Nation of Oklahoma was designated as the first tribal Promise Zone, encompassing over 11,000 square miles, in January 2014. At the time of our application, all of the 10.5 counties located within the Choctaw Nation fell into the U.S. Department of

Agriculture's ("USDA") extremely high poverty designation, two (2) of these counties have the highest unemployment rates in Oklahoma, twenty (20) percent of adults in the Promise Zone have less than a 12<sup>th</sup> grade education, fifteen (15) percent lack basic literacy skills, and southeastern Oklahoma has the highest rate of violent deaths in the State. However, through the leadership and record success of Choctaw Nation, we are using the Promise Zone designation to combat these statistics by establishing strong partnerships with federal, state, and local governments, community leaders, and non-profits.

In 2013, the Choctaw Nation Promise Zone had thirty-nine (39) Promise Zone partners who supported our application to become a Promise Zone. The Promise Zone currently engages with hundreds of local educational, business, nonprofit, and municipal partners to move southeastern Oklahoma forward. Through this collaboration, the Choctaw Nation Promise Zone has been able to invest \$80 million in southeastern Oklahoma during the first two (2) years of the initiative. Investments include a \$15 million grant to partner with local HeadStart centers and childcare providers to expand access to high-quality, comprehensive services to low-income infants and toddlers; and a ConnectHome pilot site by the U.S. Department of Housing and Urban Development ("HUD") – a nationwide announcement made right in the heart of Choctaw Nation by President Barack Obama in July 2015. This program brings together HUD, USDA, and other public and private sector partners in an effort to connect Choctaw citizens in public housing with affordable internet service, often as low as \$9.95 month. Within one (1) year of the President's historic announcement, 100 percent of all K-12 students living within the Choctaw Nation Housing Authority's households will have access to internet to support their educational growth and development.

### **Promise Zone Challenges**

The Choctaw Nation Promise Zone and our partners have worked diligently to implement the Promise Zone initiative and empower our communities. However, there are several challenges the Choctaw Nation Promise Zone face. From recent conversations with our sister Promise Zones, we have found that these experiences are not unique to our Promise Zone.

#### **1. Lack of Federal Agency Participation**

No funding is allocated to Promise Zone designees. Promise Zones are given preference points in a handful of competitive grant programs. In 2015, thirteen (13) federal agencies participated in the Promise Zone initiative, providing preferential access to forty-two (42) programs. The Choctaw Nation Promise Zone has benefited from working closely with the U.S. Department of Health and Human Services, the U.S. Department of Education, and USDA Rural Development - the lead agency for tribal and rural Promise Zone areas.

While this is a great start, most federal agencies and their departments, especially those that have the potential to have a lasting impact on Promise Zone designees, have not been involved as lead organizations. For example, the U.S. Department of Interior is only now

slowly coming on board as a collaborative partner at the persistent request of the Choctaw Nation. In addition, the Choctaw Nation Promise Zone has faced serious obstacles in meeting the cultural and environment needs of our designation. Due to the Choctaw Nation's vast geographic service area, we have needs that can only be addressed through the collaboration and partnership of all federal agencies, especially those that directly impact Indian Country.

## **2. Lack of Information and Training and Inconsistency in Promise Zone Application**

Another challenge that the Choctaw Nation has faced is the lack of information and uniform Promise Zone implementation strategy across federal agencies. Ironically, the Choctaw Nation often has to educate federal agencies on Promise Zones and the role they play in carrying out the initiative. Even within the same federal agencies, there is a lack of consistency in Promise Zone priority and implementation. One example of this is the USDA Rural Development Distance Learning & Telemedicine grant program. Even though USDA is the lead agency for rural and tribal Promise Zones, this highly sought after funding mechanism did not include Promise Zone preference points for the first two years of the initiative. By providing feedback and communicating with USDA staff, Promise Zone priority was included in the FY 2016 application. The Choctaw Nation currently has an application being considered for this year's funding. While we are appreciative of the dedication of USDA and other federal agencies who have been working with Promise Zones to make these important changes, the lack of consistency amongst programs is frustrating for all involved. More importantly, it can be difficult to convey to our local partners who have identified areas of need and focus, only to discover they are unable to tap into much needed resources because of inconsistencies within the agency's implementation of the Promise Zone initiative.

### **Promise Zone Recommendation**

We come to you today for consideration of a recommendation that will make Promise Zone implementation smoother, more streamlined, and help fulfill the initiative's promise to Indian Country and other areas of high need. We present the following language for consideration in FY 2017 General Administrative Provisions to fully implement the Promise Zone and priority points for FY 2017.

#### **ALL FEDERAL AGENCIES – PROMISE ZONE PREFERENCE POINTS**

##### **BILL LANGUAGE:**

"Notwithstanding any other provision of law, any applicant which, as of May 1, 2016, has been designated one of the twenty (20) Promise Zone entities, shall be offered preference points or priority or special consideration in the competitive award of all funds appropriated or otherwise made available by this or any other Act for federal grant programs, technical assistance and other capacity building opportunities: Provided, That the project or activity to be funded includes specific and definable

services or benefits that will be delivered within a Promise Zone or to Promise Zone residents.”

The truth is that most of the statutes authorizing federal grant competitions effectively preclude preference points. This has sharply limited the usefulness of the Promise Zone designation, which has had little, if any, relevance to most grant award competitions during the first two (2) years of Promise Zone implementation. Without the requested bill language, the White House has concluded that it may apply Promise Zone preference points to only a handful of competitive grant application programs, a limitation that sharply curtails the potential promise of the Promise Zone initiative.

The bill language would provide preference points to the twenty (20) Promise Zone designees who apply for any federal competitive grants, technical assistance funds, and other capacity building opportunities. This statutory “notwithstanding,” across-the-board authority is required to ensure that the Promise Zone initiative is implemented as intended. This language would provide clarity and consistency across federal departments, and help the Promise Zone initiative fulfill its goals to serve high need areas.

The Choctaw Nation Promise Zone has received broad support for this request from other Promise Zones and their lead institutions. The Choctaw Nation values its partnerships with its sister Promise Zones and continues to work in solidarity to overcome the challenges Promise Zone designees face in navigating the federal bureaucracy. Today, your committee has the unique opportunity to further support and improve the Administration’s Promise Zone initiative to better meet the needs of some of our country’s neediest areas.

The Choctaw Nation is honored by this opportunity to testify before you and we appreciate your time. We look forward to engaging with you in this unique and collaborative approach to empower communities within the Choctaw Nation Promise Zone, as well as with our Promise Zone colleagues around the country. More importantly, your support will help fulfill the Promise Zone’s commitment to empowering Indian Country.

Yakoke!

Mr. COLE. Thank you very much.

This is three in a row. That is pretty good.

Mr. PEERCY. Actually, she was in the red.

Mr. COLE. Well——

Mr. PEERCY. I am not being critical.

Mr. COLE. That is because you were talking at the beginning of her testimony.

Mr. PEERCY. I see.

Mr. COLE. She got started a little bit late.

Mr. PEERCY. Didn't want to give her too much credit.

Mr. COLE. Gosh, nobody is harder on Choctaws than Choctaws.

Ms. SMALLWOOD. I know, right.

Mr. COLE. Cynthia Boone, representing the Minerals Council, the Osage Nation, is here. It is good to have you here today, and you are recognized for your comments.

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FRIDAY, MARCH 18, 2016.

## **OSAGE MINERALS COUNCIL**

### **WITNESS**

#### **CYNTHIA BOONE, OSAGE MINERALS COUNCIL**

Ms. BOONE. Good morning, Mr. Chairman, and members of the subcommittee. My name is Cynthia Boone, and I am a member of the Osage Minerals Council. Thank you for the opportunity to testify.

The Osage Minerals Council is made up of eight members elected by the Osage annuitants. The Osage Nation Constitution and the 1906 congressional act provides the council with the authority to administer, develop, and protect the Osage minerals estate. The Osage Minerals Council has a unique role in all of Indian Country. Our role goes back to the discovery of oil on our reservation in the 1890s, more than 100 years ago and even before the allotment of our reservation in 1906.

As you know, under allotment, Congress divided up Indian lands and provided small parcels to individual members of a tribe. In our case, Congress allotted the surface lands but not the minerals. Instead, Congress reserved our entire minerals estate for the benefit of all of our Osage members on the tribal rolls at that time.

Congress called us headright owners. Each headright owner had 1 share of royalty from the production of oil and gas in the Osage minerals estate. The Osage minerals estate has been producing oil since 1896, making it one of the oldest fields in the United States. Our minerals estate contains proven reserves. In 2015, it was estimated that our headright owners would receive about 13.6 billion in royalties from 2012 to 2027. That is about 1 billion a year.

Despite our success, the Osage Minerals Council faces many of the same challenges as the other energy-producing tribes. We also face some challenges that are unique just to the Osage.

First, like other tribes, energy production on our lands is limited by a lack of staff, expertise, and resources in the BIA's Osage agency office. Without the BIA staff or expertise to keep up with the

energy industry, we are not able to fully utilize our resources to benefit our Osage headright owners.

For example, we estimate that the BIA averages more than a year to approve a simple workover permit. As you might know, a workover permit only approves maintenance for an existing oil or gas well. You can imagine the delays for permitting a new well. The BIA needs far more than the 5.9 million requested in the President's budget to manage the oil and gas development at Osage and across Indian Country.

The BIA needs—excuse me—10 times this amount. When you compare the BIA's budget to the 187 million requested for the BLM, it is no wonder that the Government Accounting Office recently found that the BIA management hinders Indian energy development and needs sweeping changes.

Second, unlike other tribes, the 1906 Osage Allotment Act creates special legal requirements for leasing on our lands. For example, leasing on the Osage minerals estate is especially excluded from the Indian Mineral Leasing Act. Instead, the Interior follows Osage specific regulations, and the BIA is the only agency involved in approving oil and gas permits in our minerals estate.

The BIA does not get any help from the BLM or the Office of Natural Resources revenue like other Indian reservations. The Osage Minerals Council also has unique responsibilities, but our funding is limited as well. We currently manage the estate with an annual drawdown from royalties that should be distributed to the headright owners. This is an unfair burden on the headright owners, and there is not enough funding for effective management of the estate.

Meanwhile, every year, since 1921, the State of Oklahoma has collected a gross production tax from our royalties. This tax generated in excess of \$5 million for the State with no benefit to the Osage headright owners. With this impact from State taxes and many responsibilities from managing the Osage minerals estate, we respectfully request that the subcommittee provide direct funding to the Osage Minerals Council to hire the staff we need to manage and promote drilling and production.

We need about \$4 million in funding to employ experienced staff to create a digital database to monitor well production, environmental hazards, and lease productivity, and to plug abandoned wells.

Just as an example, the BIA has identified roughly 1,400 wells for plugging. Each of these wells cost between \$10,000 to \$100,000 to properly plug and abandon and remediate. Even worse, the BIA has not complied with the environmental reviews for years. This subjects the United States, the Osage Minerals Council, and Osage lessees to never-ending litigation and kills the development of our new wells.

We need to turn this situation around. Oil and gas production in the Osage mineral estate supports thousands of jobs and provides badly needed economic development. We respectfully request that you increase the BIA's natural energy budget, and we request 4 million in direct funding for the Osage Minerals Council so that we can effectively manage the Osage minerals estate for the benefit of the headright owners and the entire region.

Thank you for the opportunity to testify.  
[The statement of Ms. Boone follows:]

## Osage Minerals Council Osage Nation

Everett Waller-Chairman  
Cynthia Boone  
Galen Crum  
Kathryn RedCorn



Joseph Cheshewalla  
Stephanie Erwin  
Talee Redcorn  
Andrew Yates

### U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies

**March 18, 2016**

Good Morning and thank you Mr. Chairman and distinguished Committee members for the opportunity to share with you the appropriation priorities of the Osage Mineral Council.

My name is Everett Waller. I am the Chairman of the Osage Minerals Council (OMC). The OMC is the tribal governmental body recognized under the Act of June 28, 1906, 34 Stat. 539, as amended (the "1906 Act") and by the Osage Nation Constitution to administer, develop, and protect the Osage Mineral Estate.

For those who may be unfamiliar with the Osage Mineral Estate, I will provide a brief history of the unique and complex history between the Osage and the United States. Oil was first discovered in recoverable quantities below the Osage Reservation in the 1890s. As a result of that discovery, the Osage Mineral Estate was reserved in trust by the United States for the benefit of the 2,229 Osage tribal members when the Osage Reservation was allotted in 1906 under the Osage Allotment Act of 1906. The 1906 Osage Allotment Act established the right of each of the 2,229 tribal members to receive one headright share (1/2,229) of future income from the royalties collected from the production of oil, gas, and other minerals from the Osage Mineral Estate.

The Osage Mineral Estate has been under continuous development since 1896, making it one of the oldest oil fields in the United States. Despite its long history of development, the Osage Mineral Estate still contains ample proven reserves and was estimated by the Office of the Inspector General in 2015 to generate \$13.6 billion in royalties for the headright owners between Fiscal Years 2012 and 2027.

Importantly, the 1906 Osage Allotment Act created unique and distinct legal requirements for leasing the Osage Mineral Estate and for the respective duties of the United States and the Osage Tribal Council in the development of the Osage Mineral Estate. As a result, leasing, production, and development of the Osage Mineral Estate has always been governed by unique and separate laws from the rest of Indian Country. For example, the Osage Mineral Estate has been specifically excluded from the Indian Mineral Leasing Act, and no other general mineral leasing acts or oil and gas regulations govern the Osage Mineral Estate. Instead, the Secretary of the Interior has promulgated Osage-specific regulations and the local Bureau of Indian Affairs (BIA) office manages the entirety of the Osage mineral leasing program for the

federal government. The Bureau of Land Management (BLM) and the Office of Natural Resources Revenue have no role on the Osage Reservation.

Today, the United States continues to hold the Osage Mineral Estate in trust pursuant to the 1906 Act, as amended. Congress has added to the United States general trust responsibility to the Osage Mineral Estate by directing the Secretary to offer mineral leases “as may be deemed for the best interest of the Osage Tribe of Indians ...” and by requiring the Secretary to ensure that the regulations governing leasing of the Osage Mineral Estate include provisions to ensure “that the highest percentage of ultimate recovery of both oil and gas [is] secured.” 45 Stat. 1478, 1479 (1929)

Unfortunately, and similar to other energy producing tribes, development of the Osage Mineral Estate has been obstructed by the BIA Osage Agency’s lack of sufficient staff, expertise, and resources to effectively manage and oversee energy development. This has prevented the OMC from fully utilizing its resources and has directly limited the revenue received by Osage headright owners. For example, the OMC estimates that it takes BIA Osage Agency, on average, more than one year to approve a simple workover permit, which permits maintenance and/or remedial operations in an existing oil or gas well, and longer still for new well permits. This is in large part due to agency understaffing and the delays associated with complying with federal hurdles like the National Environmental Policy Act and the Endangered Species Act, to the great detriment of the Osage people.

That the BIA is the sole federal agency charged with the management of the Osage Mineral Estate is an especially important detail given the sparse nationwide budget for the BIA. The Osage Mineral Estate does not receive any benefit from the BLM’s or ONNR’s comparatively massive annual budgets. Despite the dramatic need for increased BIA resources to manage oil and gas development to benefit many reservations and tribal members across Indian Country, the President’s fiscal year 2017 budget instead boosts the oil and gas budget for the BLM by \$27.6 million to a total of \$186.6 million, while the BIA budget for oil and gas development remains flat at a paltry \$5.9 million for the entirety of Indian Country. With such little funding it is no surprise that the Government Accountability Office recently found that BIA’s management has “hindered Indian energy development” and “needs sweeping changes.”<sup>1</sup>

The OMC asks that the Subcommittee take action to help tribal nations by increasing the BIA’s budget for conventional energy and compliance. Energy development on Indian reservations provides benefits far beyond what are obtained when similar resources are developed on federal lands. Developing Indian energy resources provides needed economic development, jobs, and infrastructure growth on Indian reservations.

Further, I respectfully request that the Subcommittee provide direct funding to the OMC so that the OMC can ensure the successful future of the Osage people by building infrastructure and hiring personnel to improve and increase the amount of drilling and production in Osage County, studying the environmental impacts of its drilling program, and expanding tribal self-governance programs to manage the Osage Mineral Estate.

<sup>1</sup> U.S. Government Accountability Office, Indian Energy Development: Poor Management by BIA Has Hindered

The OMC's energy development is a major economic engine for northeastern Oklahoma. Each year, Osage oil and gas production results in tens of millions of dollars in economic activity on the Osage's reservation, in nearby towns, and throughout the region. The mining industry and its support services employ many tribal members and help to support tribal and state governmental programs. Currently, the Osage Mineral Estate produces, on average, 13,500 barrels of oil per day and the OMC is attempting to open up additional acres of mineral leases dedicated to exploration. These are exactly the kinds of investments Congress should be making. Increased energy production on Indian lands provides badly needed jobs and revenue for tribal members. Facilitating Indian energy and economic development is exactly what is needed to lift many tribes out of ongoing dependence on federal budgets.

Currently, the OMC's only source of revenue is an annual drawdown from the mineral royalties trust fund that would otherwise be distributed to the Osage headright owners. Frustratingly, every year since 1921, the State of Oklahoma has assessed and collected a five percent (5%) gross production tax on the Osage Royalty Interest and in many years this tax has generated in excess of five million dollars to the State with no benefit returned to the Osage Mineral Estate. As you are likely aware, Oklahoma's tax on the Osage Royalty Interest is unheard of in Indian Country, outside of Oklahoma.

The OMC needs additional funds to be able to successfully manage the Osage Mineral Estate. As the lessor of the Osage Mineral Estate, the OMC enters into leases worth billions of dollars without an expert's assistance or advisement. We are unable to employ necessary staff to advise the OMC in our management of the Osage Mineral Estate. We respectfully request the following specific funding to improve the management of the Osage Mineral Estate for the benefit of the Osage people:

- **\$650,000** to employ experienced technical staff such as a petroleum technical advisors, geomatics engineers or geologists to advise the OMC before entering into mineral leasing agreements and to create a long-term economic development plan;
- **\$500,000** to employ an accountant or auditor to monitor lessee payments and fines for compliance with lease terms;
- **\$350,000** to hire professionals and consultants to develop a Reservation-wide energy management analysis and remediation program to consider and address all of the impacts of this energy development to our people, lands, air, water, roads, law enforcement, traffic and health care systems;
- **\$500,000** to create a digital records management and modeling program so the OMC can inventory and monitor well production, environmental hazards, and lease productivity; and,
- **\$2,000,000** to the Osage Agency to plug abandoned wells.

The OMC desperately needs the funding to employ technical staff and to hire professionals and consultants to develop a Reservation-wide energy management and

environmental analysis. The BIA has failed to comply with NEPA for years,<sup>2</sup> which has exposed the United States, the OMC, and the OMC's lessees to ongoing litigation and new development and production of the Osage Mineral Estate has come to a screeching stop. With this funding, the OMC could properly study the environmental impacts of energy development and develop remediation programs to mitigate any impacts.

The need to properly plug abandoned wells is a good example of the shortfall in funding we have received to manage the Osage Mineral Estate over the last 100 years and the impacts this shortfall has had on our community. The BIA has identified roughly 1,400 wells for plugging. Each well can cost between \$10,000 to over \$100,000 to properly plug and abandon and repairing an improperly plugged well costs \$50,000 on average. Improperly plugged and unplugged wells pose an obvious safety hazard and this problem must be addressed. By plugging wells correctly, future environmental issues and liability related to fluid or gas leakage can be avoided.

In addition to the danger posed by unplugged or improperly plugged wells, the funding increases we request are needed to better manage the Osage Mineral Estate. The funding requested would enable the OMC to provide the stable infrastructure necessary to promote long-term energy and business investment while protecting the environment, resulting in new jobs and increased revenues for tribal members. Further, in order to meet its trust obligations to all Indian tribes, the United States must provide adequate funding to the BIA for conventional energy development.

Thank you for the opportunity to provide the testimony of the Osage Minerals Council and for your consideration of these important issues.

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<sup>2</sup> Office of the Inspector General, BIA Needs Sweeping Changes to Manage the Osage Nation's Energy Resources, CR-EV-BIA-0002-2013 at 14-15 (Oct. 2014).

Mr. COLE. You are way ahead, so——

Ms. BOONE. I get extra brownie points, right?

Mr. COLE. You get extra brownie points. Let me first go to our ranking member.

Ms. McCollum, if you have any opening remarks you would care to make.

Ms. MCCOLLUM. No, Mr. Chair. I apologize for being a little late. I had the Ambassador from Laos in my office. I have a very large Hmong population in my district, and the President is going to be visiting there in September, so I apologize for being a few minutes late. But I took lots of notes, again. Some of the issues you raised are going to be conversations we are going to have to follow up on after this hearing.

I was asking the staff when you were testifying about leasing. BLM has nothing to with anything that you do, correct? It is just BIA.

Ms. BOONE. Right.

Ms. MCCOLLUM. Okay. Thank you.

Thank you, Mr. Chair.

Mr. COLE. Well, thank you, and you certainly don't have to apologize. I explained before you got here: if it weren't for you, we wouldn't be having this hearing. So thank you for weighing in and thank you for being here.

Chief, let me go first to you, if I may. And I was actually advised during your testimony that, 10 or 15 years ago, we did have some sort of joint venture program for BIA, which I was unaware of, and I have no idea as to why we stopped doing that because it has been so successful for us in the healthcare area. Are you aware of that at all, or had you heard that?

Mr. BAKER. I got the same footnote that you got when I walked in. I got the same footnote that you got that it—10, 15 years ago, that it was in existence. I was not aware of it either.

Mr. COLE. Yeah, we will take a look to see what happened, and, you know, honestly, maybe 10 or 15 years ago, quite frankly, I know certainly my tribe, Chickasaws, wouldn't have been in a position to take advantage of the joint venture program that we, like you, and Choctaws have used in the healthcare area, and so it may have just withered away. But we have more tribes that have the ability to do that, and there is something to be said if that will expedite it. It won't solve the problem.

As you know, there are many tribes that don't have the ability, but we ought to help those that do, and that lets us concentrate what dollars we do have in other areas.

Mr. BAKER. And we have the ability and the appetite.

Mr. COLE. That is great. I want to go to you next, Ms. Smallwood.

I am not skipping over you, Mickey. I will be back, but——

Mr. PEERCY. I got the hard question.

Mr. COLE. Yeah. Well, I am very interested in what you had to say about the Promise Zone because I know, initially, I had a discussion with Chief Batton about it, and this was just after it happened, and they were having difficulty accessing any of the programs. I mean, it seemed for a while—and I know the intent behind it by the administration was to do something good. I didn't re-

alize it was this narrow in terms of the number of grants and agencies that actually participate in the program.

Ms. SMALLWOOD. Yes, sir. I think when it first came about, no one was quite sure what the Promise Zone would mean, but we had the promise, and we got the work.

Mr. COLE. Your mike on?

Ms. SMALLWOOD. Yes, it is.

Mr. COLE. Okay.

Mr. PEERCY. Pull it a little closer.

Ms. SMALLWOOD. I am kind of short, so I will pull it up here.

Mr. PEERCY. Kind of short.

Ms. SMALLWOOD. Kind of short. But, you know, we have many great partners in southeastern Oklahoma, and the leadership of Choctaw Nation really brings together our municipal partners, our county partners, our schools, our community action agencies, so we have a great team, has really gotten to work to put the Promise Zone to our best advantage. However, it also requires a lot of time from us here in D.C. to tell our story.

A lot of the focus on the Promise Zone has been on urban areas as well, and so to tell our story to say: We are serving 12,000 square miles; however, the Los Angeles Promise Zone has the same number of people in about 2 square miles. So it is really hard to tell our story at Federal agencies to understand why the implementation of the Promise Zone is different and should be different for rural and tribal zones.

But we have great colleagues working with Promise Zones around the country. We have been able to visit Minneapolis, Los Angeles, Kentucky, and others, and we really have a lot of same concerns. So we have been bringing our Promise Zone colleagues together, and I think it really is making a difference. But, right now, they have the staff in place, and we want to make sure that it continues beyond this fiscal year but also opens additional doors to bring other agencies on board and to effectively serve the promise of these communities.

Mr. COLE. I want to commend you. While we have got Choctaws on the panel, I have had the opportunity to go to your language center, which is really unique. They actually wire up. They have native speakers, and they are wired into dozens of schools in the area. So, literally, you teleteach, effectively, and they use the public school system throughout their area to preserve and advance the language. So I think you even have it taught in the University of Paris or something teaches Choctaw, so it is a pretty amazing setup. I was amazed you didn't get help with that.

Ms. SMALLWOOD. We have an application pending this year, but I wanted to say thank you to the committee for your support of Indian education in Choctaw Nation and your visit to visit our BIE school at Jones Academy and to visit the language school. It is so important to have Members of Congress there for the kids to realize this really is important, but——

Mr. COLE. I actually went and——

Ms. SMALLWOOD. We appreciate it.

Mr. COLE. After I saw the language center, called up Governor Anoatubby, and said: You need to go look at this thing; we need one of these ourselves. It is impressive.

Cynthia, let me go to you quickly as well because this problem you touch on is true all across Indian Country with various tribes and our energy producers. We hear this concern about both the level of staffing and, frankly, the difficulty, particularly during a boom period, of maintaining staff, because, literally, private companies will come and hire them away. So we have had this discussion with the Department of Interior on several occasions.

But the length of time it takes to get anything done compared to things that are outside, I have even talked to companies that were drilling in the Dakotas, and they would say we drill right up to the edge of Indian land because we can get our permits processed very quickly, a matter of weeks and a few hundred dollars. The minute we cross this line, it is a year, and it is thousands of dollars. And so we literally have a lot of resources that aren't developed very well. That is, in some sense, is an authorizing problem as well as an appropriations problem as to whether or not we should do this.

Let me ask you this question, and would it make sense to—obviously, with appropriate funding—but to essentially put the Osage in charge of their own mineral estate and they would make the decision in terms of who drilled and what the regulations were and what have you?

I know this is always a controversial subject in Oklahoma because it involves the possibility of a checkerboard of different regulatory schemes, but I would like to have your opinion, if you have one, on that.

Ms. BOONE. I believe that that would be something that we would consider is taking over the leasing and the environmental, and that is why we would like to have our own staff. We were at one time called a one-stop shop, and what we would like to do is return to that. And by doing that, we could speed up this process so that the Bureau of Indian Affairs would just have to rubber stamp whatever we had to submit.

Mr. COLE. We have done something like that in other areas in land owning where basically the tribe gets to—instead of every decision having to go to the Interior, the Bureau of Indian Affairs or really the Department of Interior approves the regulatory scheme, and then the tribes operate the scheme, and that may be something we need to look at in Indian Country.

Ms. BOONE. And, certainly, we would be open to look at that ourselves.

Mr. COLE. Thank you.

I want to go to the ranking member and let her ask whatever questions she cares to.

Ms. MCCOLLUM. Ms. Smallwood, one of the things that you pointed out is the Promise Zones in the Twin City area. We are constantly fighting and competing for dollars, too. The whole program is short of dollars for capacity and demand for it. But you were talking about some authorization that would need to happen, and so we run into things here working with the authorizing committees not moving forward.

Could you elaborate on what kind of conversations you have had with the authorizers? Sometimes we will have a good idea, but our own colleagues, rightly so, on the Appropriations Committee will

stand up and say: You know, this isn't authorized; the authorizers need to do their job.

So could you just paint the picture a little fuller on what you see as some of the challenges with authorization.

Ms. SMALLWOOD. Definitely. This is our first stop to come to Congress to share this story. We have been meeting with all of the agency folks for about 2½ years now, and I can't speak for the agencies, but it seems like they would appreciate a little bit more flexibility to more fully implement the Promise Zone and to implement that preference. But every time we identify different grants and targets of goals for not only us at the Nation but for our local partners, they say: Hey, we need legislative language to enable us to do this. And so they said: You know, we are a bit hesitant. We can't do this. We have got to have clear direction from Congress that we can fully implement the Promise Zone throughout every single different part of our department and across the Federal Government.

So we came to you guys today to start that conversation. So we started with the Appropriations Committee first to say we—you know, fiscal year 2017 is going to be a big year. We are just getting our feet under us. Choctaw Nation and others have had the luxury of 2½ years of having the designation, but there is a third round of Promise Zones that will be announced probably later this spring, and that will be the final round.

So I can only imagine, you know, their kind of nervousness about tackling this ginormous program and trying to leverage the whole width of the Federal Government. So we are really trying to connect those other zones and share our experiences, and we would appreciate any connections and conversations, too, that you guys can help us with with authorizing committees, but this is our first stop, to start that conversation and to see what other conversations we need to have related to appropriations and authorizations.

Ms. MCCOLLUM. Thank you.

Principal Chief Baker, thank you for your comments on what we need to be looking at with health care, but also for talking about joint ventures with schools. I think we are going to go back, and as Chairman Cole said, look at what worked and what didn't work. We need to jump-start BIE school replacement. If some of the tribal nations are willing to stand up and be partners in it, we shouldn't say no, but there will be some concerns. Just as we are talking about doing joint ventures for IHS clinics, there will be some concern in some of the tribal nations about fairness: Do they go to the back of the list again because they don't have funds for a joint venture?

Anything we move forward will have to be done in consultation, with all the nations coming together and helping us, or it could become a divisive issue. You are the perfect people to start that conversation, so thank you for being here today.

Mr. COLE. Well, I want to thank our panel. We are already a little bit behind, so forgive us for that, but that is usually my fault on these days, as it is once again.

Yes, sir, chief. You were just waving. Okay. I thought you put your finger up. So you all are excused, and if I can, I will invite our next panel. Thank you very much again for your testimony.

If we could, Chief Floyd, principal chief, Muscogee Creek Nation; Vernon Miller, chairman of the Omaha Tribe of Nebraska and Iowa; Victoria—forgive me on the name. Is it Kitcheyan?

Ms. KITCHHEYAN. Kitcheyan.

Mr. COLE. Kitcheyan, treasurer of the Winnebago Tribe of Nebraska; Floyd Azure, chairman of—I am not going to try that.

Mr. AZURE. Assiniboine.

Mr. COLE. Thank you. Come on up.

Mr. AZURE. Thank you, sir.

Mr. COLE. Thank you. Mickey, good to see you again. Mickey, grab your name tag.

Mr. PEERCY. You can use it.

Mr. COLE. No. Okay. If we can, we will go ahead and get started. And if we can, Chief Floyd, we will start with you for whatever comments you would care to make, and we will work down the line, and then we will be open for questions.

Mr. FLOYD. Okay. Thank you, Mr. Chairman.

Mr. COLE. Thank you.

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FRIDAY, MARCH 18, 2016.

## MUSCOGEE CREEK NATION

### WITNESS

#### JAMES FLOYD, PRINCIPAL CHIEF, MUSCOGEE CREEK NATION

Mr. FLOYD. I appreciate the opportunity this morning to appear before you and provide some oral statements. I did, for the record, submit written statements, and the topics that I would like to speak about this morning are specifically for health care.

In terms of my background, as you know, I was just recently elected as principal chief of Muscogee Creek Nation. Prior to that, I held a senior executive service position for 23 years in both the Indian Health Service and the Department of Veterans Affairs and the Veterans Health Administration, so I kind of come with expertise in that area. So we are completing written remarks on the Bureau of Indian Affairs section of the appropriation, so we will be submitting them soon.

Sir, I only have about three or four points I would like to raise that I think are very pertinent to our operations of our tribal health program, and we do operate three hospitals and eight outpatient clinics, and so we have a pretty extensive healthcare system for our 80,000-plus citizens.

The issues that I see—first of all, let me say that the National Indian Health Board has done extensive work on analyzing the budget for fiscal year 2017, and I fully support what they have said. And I am sure they have submitted it for the record, and I just want to reiterate that, you know, fully funding the budget at like \$299 billion over 12 years is the goal to set.

Specifically, for us, I think that in addition to fully funding that, as you know, the State of Oklahoma does not receive Medicaid money, and I know that there is an issue, one called the 51st State for Medicaid or the 1115(a) waiver. We are seeing a trend, a decreasing trend in third-party revenue that I believe is kind of a

dangerous trend and slop to be seeing, and it requires that the tribe now step in with tribal funds to support the healthcare system, which we will again take up next week. And it is becoming, you know, multimillion dollars to make up that gap.

I do support, and I think the tribe supports direct agreements with Medicaid to tribes so that we can, you know, more—that we can have the ability to directly bill and receive Medicaid funds. I know the State is one of 19 that has chosen not to do so, and I think we are suffering the consequences there. And so I hope that the committee can take up the fact that we know something needs to be done, not only in the State of Oklahoma but the other 18 States that have Indian tribes that are also experiencing the same thing that we are.

Secondly, I think that the topic that I see that is substantial but seems to be hidden is the use of electronic health records. Having come to the VA, where you have a very comprehensive inpatient/outpatient record—and I know that there have been efforts jointly between the Indian Health Service and the VA—the fact that we rely upon private packages is very expensive. The package that the Muscogee Creek Nation currently uses we feel has cost us in excess of \$23 million in collections due to its inability to interface with the signed record so that we can code it and bill it properly, and so, as a tribe, we will probably be seeking legal recourse with them.

But I think, as we go forward, I think that—particularly if I can refer just to the Department of Veterans Affairs under their Veterans Lifetime Electronic Record that they are renewing, I think it would be very productive for the committee to consider the Indian Health Service and the VA taking this matter up since the veterans package is a public domain similar to what the Indian Health Service uses. I think it will be money well spent if we can get to that single type of record format and save us the expense.

I know that, within our tribe, we have three full-time employees that just have to manage the use of the record on a daily basis, and that in itself is at least \$300,000 that we are spending to support the package that we are paying them to deliver to us.

We may not be alone. I have talked to other executives in the health care with other nations and in the private sector, and they struggle as well, but I think for us, knowing that it is costing us \$23 million is significant, you know, in the \$300 million program that we operate. So I wanted to just make sure that that point wasn't lost in the discussion and consideration of the 2017 budget.

Also, I would like to just point out that Muscogee Creek Nation has initiated a respite care program. As you know, taking care of the elderly is part of our tradition, and we do, I think, a very good job of that within the tribe, but it also brings stress within the households. And so we have initiated the program where we can either bring people in on a short-term basis to relieve those people who are caring for the loved ones or to come in and help clean the house, and you know, just take care of the household, and so that the caregivers can have a short break, and I think this worked out very well for us.

I haven't really checked the admissions and readmission data to see, over the long run, if that is preventing people from coming into the hospitals, but I think it is a program that has worked well for

us and may serve as a model for other tribes. And so I would ask the committee to at least consider even a pilot project on respite care.

Mr. COLE. You have to move. You are at the 5 minutes.

Mr. FLOYD. So I appreciate the opportunity to appear this morning, and I would be glad to answer any questions later, sir. Thank you.

[The statement of Mr. Floyd follows:]



## *Muscogee (CREEK) Nation*

*Executive Office*

### **U.S. House of Representatives Committee on Appropriations Sub-Committee on Interior, Environment and Related Agencies FY-2017 Appropriations Testimony for the**

**Written Testimony of  
The Honorable James R. Floyd, Principal Chief of the Muscogee (Creek) Nation**

**March 10, 2016**

On behalf of the Muscogee (Creek) Nation, I am pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year (FY) 2017 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. Funding for Indian country is appropriated in the non-defense discretionary portion of the Federal budget. We, therefore, renew our request that Congress work together to achieve a balanced approach to the budget deficit that includes raising new revenue sources and that doesn't rely solely on cuts to discretionary spending.

As you know, I believe that we all share the common interests and therefore, we can find common ground to improve the health and welfare of the American people. I want to first of all thank you for the world you all work in for making critical investments to protect the health and well-being of the American people.

The Muscogee (Creek) Nation is the third largest Tribe in Oklahoma and the fourth largest in the United States with a citizen enrollment of 80,298. We are one of 39 federally recognized tribal governments in Oklahoma. The Nation's jurisdictional areas include eleven predominately rural counties, either whole or in part, in east central Oklahoma.

Currently there are more than 39,000 registered patients within our health system that consist of Muscogee (Creek) citizens, other federally recognized tribal members and Non-Indian beneficiaries. We anticipate that our patient numbers will increase

in 2017, as we complete construction of our new 18-bed tribally funded Critical Access Hospital, and outpatient Wellness Center in Okemah later this year.

We strongly support the Administration's FY2017 Budget Proposal as it reflects an improved commitment on behalf of the Federal government to uphold treaty and trust obligations with an investment in Indian programs. The proposed budget amount is extremely important to Tribes because we rely on this funding to support our core governmental programs and critical services that promote the safety and well-being of our Tribal citizens and Indian community. I am also here to strongly advocate for the expansion of Self-Governance authority and policy to provide Tribes the full contract support costs and flexibility to redesign programs and services throughout the Federal government to better address their community needs.

### **Purchased/Referred Care**

As you are aware, the Consolidated Appropriation Act of 2014 renamed the Contract Health Services program to the Purchased/Referred Care (PRC) program. All of the policies and practices remain the same. The PRC funds are used to supplement and compliment other health care resources available to eligible American Indians.

The PRC program funds primary and specialty health care services are not available at IHS or tribal health care facilities and services purchased from private health care providers. This can include hospital and outpatient care, as well as physician, laboratory, dental, radiology, and pharmacy services.

Increasing the PRC line item in the budget serves two purposes. It provides much needed specialty and tertiary care to native patients, and it provides a revenue stream to private sector entities, which improves private sector access for native patients, as it is not uncompensated care. The (PRC) dollars allocated to our tribe does not provide enough resources to even meet the Priority Level 1 needs of our populations. Annually, the Muscogee (Creek) Nation must supplement PRC care with tribal funds to meet even the most life-threatening conditions our people face. It is imperative that consideration be given to appropriate funds for FY2017 be increased to a level to meet Level 1, needs to ensure that our people go without life-saving care, or worse, receive care, then face personal liability for care costs they cannot pay for.

### **Medicaid Expansion/Section 1115 Waiver**

Unfortunately, the State of Oklahoma elected not to pursue Medicaid expansion associated with the Affordable Care Act leaving thousands of our citizens in need of alternative means of healthcare coverage.

Section 1115 of the Social Security Act gives the Secretary of Health and Human

Services authority to approve experimental, pilot, or demonstration projects that promote the objectives of the Medicaid and CHIP programs. The following is how these waivers are working for the benefit for the people:

- Expanding eligibility to individuals who are not otherwise Medicaid or CHIP eligible;
- Providing services not typically covered by Medicaid; or
- Using innovative service delivery systems that improve care, increase efficiency, and reduce costs.

Oklahoma tribes have developed an 1115 waiver program for native people across the state. This waiver would greatly expand coverage for the native people in the state through the Insure Oklahoma program, which would be funded through a 100% Federal Matching Assistance Program (FMAP). This waiver would cover native people at I/T/U clinics and would compensate tertiary care facilities for services provided to these patients. I strongly urge your support in assisting Oklahoma tribes in obtaining a CMS approval for this waiver program.

### **Respite Care**

Respite care is also a much-needed service to our people. Traditionally, our people have always supported our aging and ailing family members. However, over time this care increases the stress within a home and family. Our tribe has implemented a tribally funded program called the Caregiver Support Program which serves 80 clients annually, but it falls far short of covering the needs of our eligible citizens. Statistics from 2010 reveal that there are 218,255 Native American 65 years and older, and that for ages 21-64 177,295 Native Americans are disabled. Additional funding would expand the support that we can provide families who care for their loved ones, help keep families at home while reducing Nursing Home costs, hospital re-admission and continuity of care to our people. On behalf of the tribe I recommend this Committee consider our Respite program as an Indian Health Service Pilot Program. As such we would continue to fund and evaluate the progress of this effort and outcomes related to reduced hospital re-admissions and associated costs, wound care management and patient satisfaction related to receiving treatment in a home setting. We would gladly work with the IHS on assessing our finding and potential application nationally as an essential component of a Native health care program.

### **Long-term Care**

70% of people turning age 65 can expect to use some form of long-term care during their lives. Long-term care is a range of services and supports you may need to meet your personal care needs. Most long-term care is not medical care, but rather assistance with the basic personal tasks of everyday life, sometimes called Activities of Daily Living.

We have discussed respite care for elders in order to keep citizens at home and close to family as long as possible. For some elder and disabled citizens, however, the need exists for more intensive assistance and care than a family can provide. Care in assisted living and nursing home settings has been an unfunded mandate for IHS, Tribal, and Urban programs for some time. But it is becoming increasingly difficult to achieve, given the 218,000 seniors and 177,000 disabled in the native population. Consideration by this committee for funding long-term care, perhaps in combination with respite care, will allow some of the most vulnerable of our citizens to receive timely and appropriate care through their disability and on into their end of life needs.

### **Pharmacist Recognition and Reimbursement Through CMS**

Pharmacist can play a critical role in healthcare by helping providers to manage chronic disease conditions. CMS recently moved to recognize pharmacists as providers, but they have yet to give them reimbursement status. Tribes have utilized pharmacists to assist in management of high cholesterol, anti coagulation, and asthma with very promising initial outcome results.

Providing reimbursement status to pharmacists will maintain high quality outcomes, reduce overall costs, and improve access to care.

### **Substance Abuse**

Substance abuse is a significant problem on all communities, but is particularly concerning in the Native American population. Native American rates of alcohol and other substance abuse stands 41.6% nationally, compared to 35.1% for all other races combined. This results in damage to the lives of individuals and their families, as well as billions of dollars in healthcare cost and lost work productivity. We request a 10% increase in funding to provide improved access to substance abuse treatment and rehabilitation in order to mitigate the effects of addiction and return these citizens too productive lives.

Mr. COLE. Your full testimony will be entered into the record as well, so thank you.

Mr. FLOYD. Thank you, sir.

Mr. COLE. Chief Miller, you are recognized for 5 minutes.

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FRIDAY, MARCH 18, 2016.

## OMAHA TRIBE OF NEBRASKA

### WITNESS

#### VERNON MILLER, TRIBAL CHAIRMAN, OMAHA TRIBE OF NEBRASKA

Mr. VERNON MILLER. Thank you. Good morning. Well, my name is Vernon Miller, and I am chairman of the Omaha Tribe of Nebraska. And just for some background information on my tribe, we are located in northeast Nebraska and northwest Iowa, is where our reservation boundaries currently lie. We are in the Supreme Court with the State of Nebraska. They want to reduce the size of our reservation, exclude one of the towns. That has kind of been something controversial you may have heard about at the Supreme Court level, so that is something that we are dealing with, not only from a tribal level but a statewide level and now a national level, and so that is something that is of note, and so I wanted to bring to your attention.

Our reservation is currently—hopefully we remain—307 square miles throughout the Nebraska/Iowa area. Unfortunately, we have an unemployment rate of 69 percent compared to the State unemployment rate of 2.5 percent. That is significant because President Obama recently visited Nebraska after the State of the Union, and he wanted to specifically go to Nebraska because of the low employment rate. Unfortunately, in my community, there is a huge disparity there, and so I wanted to bring that to your attention because that really is an issue that, you know, as a tribe, that we are dealing with. And we reached out to the Governor of Nebraska, and you know, we have had conversations, but we realize as a sovereign nation that is our issue to tackle, and so that is why I come here today to talk about some of obstacles that we have with our funding levels. And I have been here a couple of years before, and so I won't go into detail in regards to my remarks. I have submitted those to you, but I will touch briefly on a couple of points I wanted to bring up.

Generally, I did want to make a comment in regards to I also serve on TIBC, the Tribal/Interior Budget Council, and one of the things that—one of the mechanisms that we have to formulate our budget on is we are forced to prioritize. And, unfortunately, what that does is that forces me as a tribal leader and the rest of my council to really say: Okay. This program, you know, is prioritized over this program this year on funding cycles.

And what we would really like to recommend is that we move to a needs-based format. That would allow us to really properly assess the programs that we have and understand, you know, from a programmatic level, you know, what is really our need in our community at the time for that fiscal year and then moving forward.

I wanted to briefly touch on—from the law enforcement, public safety, and justice side, we really do have some concerns with the current grants that we are receiving. We do have a Department of Justice grant that really helps us and be able to subsidize some of those loss revenues, but from an example I will provide you is that, from a tribal court perspective, you know, we don't even have enough funding to provide for a bailiff as well as, from the law and order side, providing a criminal investigator to really properly adequately address some of the crimes that are going on, not that they are at a level that is of deep concern but just being able to properly and adequately address those issues.

We had an assessment done a few months ago by the BIA Great Plains office, and it came down, and after their assessment, our facility is really outdated. You know, the design of it, you know, isn't adequate and isn't up to date at all. And so that is a concern of ours that, you know, with an aggressive prosecutor this year, our courts and our facilities are kind of bursting right now. And so to really adequately address those needs of our community, a detention facility to alleviate some of that overcrowding would be appreciated.

From an education standpoint, in Nebraska, we have public schools. We don't have BIA schools, but we do have several of our students who do go to the BIA schools in South Dakota and Oklahoma, to Riverside, as well as, in South Dakota, to Flandreau, as well as some of our students from my tribe specifically, we do have students that go to Haskell, which is the higher ed program that is provided, as well as SIPI.

Behind me is my sister, who is on spring break, and she is a student at Haskell Indian Nations University, and I wanted to just bring that to light because visiting her and taking her to college, you know, I do see, you know, the benefits of having a university that specifically is culturally relevant and engaging of higher education issues. And as a former educator, it brings me joy to see, you know, students that can succeed in an environment that really focuses on indigenous issues and indigenous perspective on education issues. And so visiting that school, I do know recently there have been some improvements, and I am very excited about that, to see our students be able to prosper in that environment, but there is a need there.

You know, I have been there, and there is still the classrooms are outdated, you know. There are a lot of technology issues. The housing issues, you know, it would be great to have more students go there, but that is often a barrier as it is kind of a remote and rural area of Kansas, too, and also being able to have our students go down there. So, from an education issue, I just want to bring those issues to light.

And from a welfare issue, I just wanted to touch on how our welfare assistance, you know, we are being inundated by our tribe members. We have over 7,000 tribe members who come to us, you know, and are able to meet some needs, and so we try to help. On average, we are getting \$30,000 a month in requests, and so to continually fund that would be appreciated.

I wanted to go and just thank you for your time, and I also just want to remind you that I did submit my full testimony. And then

I will honor that time and say thank you again for your diligence here as well as your commitment to us in providing that.  
[The statement of Mr. Vernon Miller follows:]

## OMAHA TRIBE OF NEBRASKA

### Executive Officers

Vernon Miller, Chairman  
Adriana Saunsoci, Vice-Chairwoman  
Jessica Webster-Valentino, Treasurer  
Jeffrey S. Miller, Secretary



### Members

Rodney Morris  
Clifford Wolfe  
Michael Wolfe

### Testimony by Vernon Miller, Tribal Chairman, Omaha Tribe of Nebraska, March 17, 2017

Good morning esteemed members of the House. My name is Vernon Miller and I am Chairman of the Tribal Council of the Omaha Tribe of Nebraska. I was elected to the Tribal Council in November 2013 and appointed by the Tribal Council as Chairman in 2014 and again in 2015. Prior to my election, I was a High School Business Teacher at Omaha Nation Public Schools for 8 years. Because of my professional and tribal council experience, I have some personal knowledge of how the budgets of the BIA and the IHS impact our tribal members.

We are a federally recognized tribe living on the Omaha Reservation in northeastern Nebraska and Western Iowa. Our total land area is approximately 307 square miles with a population of approximately 8,400. We have an unemployment rate of over 69%. The Omaha Tribe has suffered for years as a result of dishonored treaties, which translates to inadequate funding, high poverty rates, and the loss of much of our land base due to the failed federal policy of allotment. Our rural location -combined with the fact that it was only about 4 decades ago that we were able to run our own governmental programs- has made it challenging for the Tribe to develop viable economic ventures to fund critical government and social programs.

We operate Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs, most of which are crucial to our tribal members. In addition to providing needed services, these programs offer sorely needed employment for both Indian and non-Indians. These programs are offered 365 days a year using federal funds and our limited tribal income, with very little assistance from the State of Nebraska. Current and past BIA and IHS funding have never met our full basic needs.

I wish to provide some general remarks about the budget process before going into my Tribe's specific needs. In that regard, we are opposed to ranking and prioritizing programs in Indian Country. It has always been difficult for me to state that one program's needs are more "critical" than the other, as lack of funding in one area can have a domino effect.

All programs are basic life critical necessities that historically have never been 100% funded. All TPA programs are a priority and essential to the overall livelihood of our tribal members and the operation of tribal governments. Accordingly, we suggest that the budget be "Needs Based".

In the current budget process, ranking one program over another simply becomes a series of tradeoffs. Tribal needs compete with other tribal needs. A Needs Based budget is fair and respectful to individual tribal government as opposed to a top down approach.

That said, and in conformance with the current budget process, I shall convey some of the most critical needs of my people.

- **Health Care:** The IHS is an important agency in securing the health and wellness of our tribe. It faces significant funding disparities, especially in per-capita spending between the IHS and other federal health care programs. It astonished me to learn that in 2014, the IHS per capita expenditures for patient health care services were only \$3,107, compared to \$8,097 per person for health care spending nationally.

As evidenced by the termination of CMS Medicare Provider Agreements in the Great Plains Area in general and specifically, at the Omaha-Winnebago Service unit, this underfunding likely contributed to a deadly result. In short, CMS Surveys conducted in April 2014 and May 2015 pointed out that deficient practices and medical errors, combined with ineffective oversight might result in serious harm, injury and death. The prediction of the CMS Survey's proved true: as a consequence of IHS' negligence, there have been five patient deaths at the Hospital since 2011- four of those deaths, since April 2014. This sad track record led to the unprecedented termination of the CMS Medicare Provider Agreement at our Service Unit in July of 2015.

In sum, for the government to truly fulfill the trust relationship to tribal governments, it must fully fund the IHS at \$29.96 Billion Dollars; moreover, we ask that IHS Contract Support Costs be fully funded and reclassified from discretionary to mandatory funding.

- **Public Safety & Justice:** It's unfortunate that because nothing has changed, in essence, I must repeat my testimony from last year. We still have inadequate law enforcement and court services on our reservation. With regard to our Tribal Court, it relies on grant-funded programs to meet core court functions such as clerical staff and probation services. The building that houses our court and incarceration facility is literally falling apart. We are so financially burdened that our judges have been forced to cancel scheduled court days in order to limit payroll expense. We do not have a full time bailiff, process server, or a child support clerk.

With respect to law enforcement, for at least a decade, we have lacked a dedicated criminal investigator. As a result, we lack the resources to investigate and ultimately prosecute in areas such as "white-collar crime", because any resources we have must be dedicated to crimes of violence. We also continue to wrestle with the issue of juvenile detention. Our detention facility is habitually overcrowded. On average it takes approximately 7-10yrs to establish additional funding for a Law Enforcement Program in Indian Country which indicates to our Law Enforcement that the population figures were based on those from the 1970's, at which time we only had 900-1100 tribal members residing on the reservation.

I strongly urge you to consider eliminating the competitive grant funding process and utilize Justice Department appropriations as base funding wherein our tribe and tribal court themselves may determine their own priorities. Like many impoverished tribes, we do not have the financial and human resources to employ experienced grant writers and thus lose out on funding to those who do. Relying on competitive grants is perilous, even when awarded. For example, currently, our tribal court is facing the end of a three-year CTAS grant period and will look to already stretched out tribal appropriation dollars for help.

We echo the National Congress of American Indians recommendations in general but especially with regard to creating a 10% tribal set-aside from funding for all discretionary Office of Justice Programs and ensure that those funds, along with tribal funds outside of OJP, are allocated as flexible base funding. Also, we must create a 10% set-aside for tribal governments from distributions out of the Crime Victims Fund. It's ludicrous that despite having the highest rates of crime victimization in the country none of these funds-which in 2016 amounted to more than 3 billion dollars-were distributed directly to tribal governments; instead, tribes are forced to rely on pass-through scraps from the State. Our tribe should b

able to ensure that tribal crime victims are able to access victim compensation.

- **Education:** Under sequestration, our most important education programs were reduced as was their efficiency and effectiveness. The 2011 National Indian Education Study found that Native students score significantly lower than their peers in reading and math in grades 4 and 8. A mere 18% of Native 4<sup>th</sup> graders and 22% of Native 8<sup>th</sup> graders scored proficient or advanced in reading and a dismal 22% of 4<sup>th</sup> graders and 17% of 8<sup>th</sup> graders scored proficient or advanced in math. What particularly saddens me as an Educator is that the graduation rate for Native students is 67%-the lowest for any racial/ethnic demographic group. But it's even worse for our BIE schools, wherein the graduation rate is a shocking 53% as compared to a national average of 80%.

The Great Plains Region possesses a high number of BIE schools. It is for that reason, and in the interest of time, that I urge this Committee to fund the FY 2017 budget funding increases over the 2016 levels in general and will focus on the BIE and tribally controlled school programs in particular. I advocate that the budget provide \$263.4 million for system-wide BIE school construction and repair; \$73 million for student transportation in the BIE system; \$78 million for tribal grant support costs for tribally controlled schools; \$109 million for facilities operations; \$76 million for maintenance of BIE schools; \$431 million for the Indian School Equalization formula; and, of great importance to the Omaha Tribe, \$5 million for BIE language immersion programs. Finally, I request that you pay close attention to the request to reinstate \$620,000 for juvenile detention in BIA-funded facilities. This critical funding was used to provide educational services to detained and incarcerated youth at BIA funded detention facilities, but was cut off in FY 2012. I believe that one of the best ways to rehabilitate these kids is through education, and eliminating this program will result in additional costs by increasing the rate of criminal recidivism.

- **General Welfare:** The current funding for the Welfare Assistance Program does not come close to meeting the needs of my or any tribal community. Indeed, my Tribe's program has suffered from a substantial deficit from last year's funding and anticipate yet another year of shortfalls. For example, on the Omaha Reservation, we average approximately \$30,000 per month in requests for welfare distributions meaning we triage who is in more need of services: a vulnerable adult who is being financially taken advantage of by family; or, placing a child that was sexually abused by a family member; or, deciding if a family will receive financial assistance to ensure heat and food are available.

In short, we need to have the resources necessary to support our tribal families in need. The rate of unemployment on our Reservation is 69%. Nation-wide, 34% of Native children live households with incomes below the poverty line as opposed to 20.7% in the rest of the country. Our barriers are similar to those found throughout Indian Country, including geographic remoteness, a weak private sector, poor basic infrastructure and-as I stated earlier-poor law enforcement infrastructure. The General Welfare Assistance is for General, Emergency and Child Assistance programs. Funding should be increased by five million dollars for FY 2017.

- **Transportation:** With the help of BIA funding, we improved the surface condition of 70% of our reservation roads; ironically, however, due to the lack of maintenance funding, our road system is again deteriorating to the point of needing total reconstruction. This is a waste of federal funds. The government should fully fund road maintenance and not rely on the tribe's road construction funds to

perform road maintenance. In sum, the BIA budget for Tribes has been around \$26 million for 20 years; should be at about \$160 million per year. I respectfully urge you to review the Great Plains Regional roads maintenance budget, which shows needs that are extensively documented by deferred maintenance records.

- **Housing:** The health of our community rests on access to a safe and adequate housing infrastructure. Though progress has been made through the Native American Housing Assistance and Self-Determination Act (NAHASDA), Native Americans in general and people living on the Omaha Reservation still face some of the worst housing and living conditions in the country. The U.S. Census Bureau's 2006-2010 American Community Survey showed there are about 142,000 housing units in Indian Country, many of which lack utilities and basic infrastructure taken for granted in most communities outside of Indian Country. Approximately 8.6% lacks complete plumbing facilities; 7.5% lack a kitchen; and, 18.9% don't have phone service. 30% rely on wood as a heat source. It should shock the conscience to learn that about seventy percent of the existing housing stock in Indian Country-and certainly on my reservation-is in need of upgrades and repairs, most of them extensive.

The NAHASDA authorizes several programs and activities in need of additional funding. This includes but is not limited to the Indian Housing Block grant at not less than \$700 million; Indian Community Development Block Grant at not less than \$70 million; Sections 184 and 184A Guaranteed Loan Program at \$10 million; Title VI Guaranteed Loan Program at \$2 million and, NAHASDA's Training and Technical Assistance Funding at no less than \$4.8 million.

Because I bring these challenges to you, I pray that you hear the reality of the lives we the Omaha who live back in Nebraska are living with. I traveled here today because our needs are great, because I honor the opportunity to meet with the leaders of our United States, and because I too am a leader. Through all of this we are still Omaha, those that go "against the current", put our heads down and fight to get ahead, we are still strong today, and live together as a united people, enjoy our traditions, and our Omaha ways, share meals together, share our medicine in sacred circles and pray to the same God that you do.

In closing, the Omaha and many other Tribes are struggling to operate our BIA and IHS budgets, on the limited dollars we are provided, and our job is more difficult when we are forced to operate in these conditions. Continuing resolutions result in delayed awards, and delayed awards decrease the effectiveness of our programs and services.

Mr. Chairman, thank you for allowing me this time and this opportunity to speak.

Mr. COLE. Well, thank you, and thanks for traveling such a long way to be with us and present your testimony.

Victoria, we will go to you next, if we may.

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FRIDAY, MARCH 18, 2016.

**WINNEBAGO TRIBE OF NEBRASKA**

**WITNESS**

**VICTORIA KITCHEYAN, TREASURER, WINNEBAGO TRIBE OF NEBRASKA**

Ms. KITCHEYAN. Good morning, Mr. Chairman and members of the committee. My name is Victoria Kitcheyan, and I am a Winnebago tribal member and serve as the treasurer of the tribal council. I want to thank you for this opportunity to come before this committee, and I would like to speak on the still ongoing health crisis at the Winnebago IHS hospital and the crisis that has led to the IHS-operated facility to lose its Medicare and Medicaid funding.

And I guess I would just like to note that there has been progress, but much work is still to be done. And I am calling on your subcommittee to help us see through those efforts and make some real concrete pressure to oversee this process and tie the solutions to the receipt of that funding to continue those services for the Native tribes that that facility serves.

It is about a 13-bed inpatient emergency room IHS facility in northeastern Nebraska. It serves the Winnebago, Omaha, Ponca, and Santee Sioux, amongst many other Native Americans living in the area who use that. Collectively, about 10,000 patients use that.

It is all we have. It is all our reservation counts on for the health care and livelihood of our tribal members, and it would be impossible to cover all the deficiencies identified by CMS, but I would like to, you know, briefly touch on some of the more horrendous cases which led to that termination of certification.

And many of the things that I am going to point out are not unique to Winnebago, and that is the unfortunate case is that these healthcare disparities are across the Great Plains area as well as Indian Country. And as back in 2007, the Winnebago hospital has been operating with deficiencies, and they just have been yet to be corrected, yet we continue to receive funding to provide the same poor service.

So, you know, they are so egregious. We are not talking about outdated equipment. We are talking about nurses who don't know how to administer dopamine; a crash cart that is missing pieces, nobody knows how to use it; a nurse that can't call a Code Blue. These are life-threatening states that our patients are in, and the nurses in the ER cannot accommodate these patients. I would rather call them victims than patients because that is what it has come to.

And, most importantly, CMS identified up to four, five unnecessary deaths. So it is troubling for the tribal leaders to have to support the families and tell them that it is getting better, "we are working on it," when time and time again, we get the same answers from our area office.

So these deficiencies are numerous and life-threatening, and as I said, last July, we were terminated; our certification was terminated. And a quick synopsis is back in 2011, there was a recertification survey, and at that time, there were nine areas identified, the ER nursing, most notably. And at that time, my wonderful Aunt Debra, she was a victim of the deficiencies and died at the hands of those Federal employees. She was left unsupervised, over-medicated, and essentially overdosed at the hands of IHS employees.

In addition to my aunt's case, there are many others during that year, suicidal patients who were released without care, patients who were not properly assessed to determine if an emergency existed, and people just plain being turned away for care, undocumented things in the electronic medical file, people being sent home undiagnosed with Tylenol and later to be life-flighted and dying. It is just terrible. 2011, some of these findings were identified. 2012, they became public, and IHS Director Roubideaux publicly promised that there would be improvements, but as you can see now, it is 2016, and it has only gotten worse.

This is why the oversight of this committee is so important. In the past 2 years, we had four additional deaths, some of them tribal members: 35-year-olds dying of cardiac arrest; 17-year-old. These are young people that are dying.

But, most importantly, Mr. Chairman and members of the committee, it is tragic, and you know, we have all lost someone at some point, and it is really sad to find that it is a federally run facility with these conditions.

So, in the interim, I guess I am asking for your assistance because we can't have the lack of services determine the quality of care that we get at this facility. We have our referred care dollars that these people are being diverted, and so how are we going to pay for this, or how are we going to pay for these additional costs that we are incurring in fiscal year 2016 and 2017? We can't lose services or staff members, because as it is, we operate underfunded; we don't have the providers to collect that third-party billing. We are just really in a state of emergency as far as health care, and we can't lose another Native American to this situation.

[The statement of Ms. Kitcheyan follows:]

# WINNEBAGO TRIBE OF NEBRASKA

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March 10, 2016

Good afternoon Mr. Chairman and Members of the Committee:

My name is Victoria Kitcheyan. I am a member of the Winnebago Tribe of Nebraska and I currently serve as Treasurer of the Winnebago Tribal Council.

I would like to begin by thanking the Members of this Subcommittee for your immediate response to our recent, and still on-going, health care crisis at the Winnebago IHS Hospital. A crisis which led to the IHS operated hospital to lose its Medicare/Medicaid Provider Certification. I would also like to note that while progress has been made to address the situation, much work remains to restore the Hospital to the operating standards required by federal law. The Winnebago Tribe believes strongly that this Subcommittee needs to play a direct role in overseeing these improvements because our recent experience has taught us that the problems I am about to describe will not be solved, unless and until, the Congress ties IHS's receipt of funds to its efforts to address the current situation.

The Winnebago Tribe is located in rural northeast Nebraska. We are served by a small thirteen (13) bed Indian Health Service (IHS) operated hospital, clinic and emergency room located on our Reservation. This hospital, which was funded by this very Subcommittee, provides services to members of the Winnebago, Omaha, Ponca and Santee Sioux Tribes. It also provides services to a sizable number of individual Indians from other tribes who reside in the area. Collectively, the hospital has a current service population of approximately 10,000 people.

While it would be impossible to cover every finding which led the Center for Medicare and Medicaid Service's (CMS) to terminate its certification of the facility, I will make an effort to summarize just a few of the very disturbing things that these outside investigators uncovered. Many of these are problems that the Winnebago Tribe has been pointing out for years, and most are not unlike the problems described by other tribes in the Great Plains IHS Service Area in testimony before this very Subcommittee.

Since at least 2007, the Winnebago Hospital has been operating with demonstrated deficiencies which should not exist at any hospital in the United States. I am not talking about unpainted walls or equipment that is outdated. I am talking about a facility which employs emergency room nurses who do not know how to administer basic drugs such as dopamine; employees who did not know how to call a Code Blue; an emergency room where defibrillators could not be found or utilized when a human life was at stake; and a facility which has a track record of sending patients home with aspirin and other over-the-counter drugs, only to have them airlifted from our Reservation in a life threatening state. I am also talking about a Hospital which had at least five documented "unnecessary deaths," including the death of a child under the age of three. These are not our findings, they are the findings of the federal government's own agency, CMS.

In fact, the CMS uncovered deficiencies which were so numerous and so life threatening that this last July 2015, the IHS operated Hospital in Winnebago became what is, to the best of our knowledge, the only federally operated hospital ever to lose its Medicare/Medicaid Certification. Here is a quick synopsis of the events that led to this decision.

In 2011, CMS conducted a re-certification survey of the hospital and detailed serious deficiencies in nine areas, including Nursing and Emergency Services. My wonderful Aunt, Debra Free, was one of the victims of those deficiencies. She died in the Winnebago Hospital in 2011 when she was overmedicated, left unsupervised and fell from her bed in the inpatient area.

In addition to my Aunt's case, the 2011 CMS Report also found that during that year: patients who were suicidal were released without adequate protection; that a number of patients who sought care were sent home without being seen, or with just a nurse's visit, were never documented in any electronic medical records; that out of twenty-two (22) patient files surveyed by CMS, four (4) of those patients were not provided with an examination which was sufficient enough to determine if an emergency existed, and that at least one of those patients suffered an undiagnosed stroke and was sent home from the emergency room without any follow up care whatsoever.

When some of the findings of the CMS 2011 Report became public, in early 2012, former IHS Director Roubideaux publically promised improvements. While some minor issues were addressed, many other things got worse. This is why the oversight of this Subcommittee is so important to us.

In just the past 2 years, four additional potentially unnecessary patient deaths and numerous additional deficiencies have been cited and documented by CMS. These incidents and reports include:

- April 2014. A 35 year old male tribal member died of cardiac arrest. CMS found that the Winnebago Hospital's lack of equipment, staff knowledge, staff supervision and training contributed to his death. Specifically, the nursing staff did not know how to call a Code Blue, were unfamiliar with and unable to operate the crash cart equipment, and failed to assure that the cart contained all the necessary equipment. CMS concluded in its report that conditions at the hospital "pose an immediate and serious threat" mandating a termination of the Hospital's CMS certification unless they were corrected immediately.
- May 2014. A second CMS survey found that a number of the conditions which pose immediate jeopardy to patients had not been corrected, and that the Hospital was out of compliance with CMS Conditions of Participation for Nursing Service.
- June 2014. A female patient died from cardiac arrest while in the care of the hospital. This time the death occurred when the staff was unable to correctly board her on the medivac helicopter. The conditions leading to the unnecessary death are documented in the July 2014 CMS report. This young woman was employed by the Tribe's Health Department and played an active role in the lives of many youth, who often referred to

her as “mother goose.”

- July 2014. A 17 year old female patient died from cardiac arrest because the nursing staff did not know how to administer the dopamine drip ordered by the doctor. CMS also documented this event in detail in its July 2014 report and found that numerous nursing deficiencies remained uncorrected. This resulted in the issuance of a continuing Immediate Jeopardy citation for the hospital on the Condition of Participation for Nursing Services.
- August 2014. In its fourth survey conducted in 2014, CMS concluded that failure to provide appropriate medical screening or stabilizing treatment “had caused actual harm and is likely to cause harm to all individuals that come to the hospital for examination and/or treatment of a medical condition.”
- September 2014. CMS survey jurisdiction over our hospital was transferred from the Kansas City regional office to Region VI in Dallas, TX, when IHS attempted to forum shop the next CMS review, but in November 2014, that new CMS office identified more than 25 deficiencies.
- January 2015. Another death occurred when a man was sent home from the Emergency Department with severe back pain. A practitioner later left him a voicemail after discovering, too late, that his lab reports showed critical lab values. The call advised him to return in 2 days. The patient died at home from renal failure before the two days were up. This situation is documented in the May 2015 CMS report.
- May 2015. CMS conducted another follow up survey. In addition to documenting the January 2015 death noted above, the report states that seven CMS Conditions of Participation and EMTALA requirements were found out of compliance at the hospital.
- July 2015. CMS terminated the Winnebago IHS Hospital provider agreement. CMS stated that the hospital “no longer meets the requirements for participation in the Medicare program because of deficiencies that represent an **immediate jeopardy** to patient health and safety.”

Mr. Chairman and Members of the Committee, I know that each of you have families and close friends, and I assume that most of you have also suffered a loss or know someone who has. It is a profoundly painful experience. Now, imagine going through that pain only to learn a year or more later, through some government report, that the death might have, or even should have, been avoided. It’s time to put an end to this and I call upon this subcommittee to use its funding authority to make sure that this actually happens. There are a number of fine employees in the IHS but many of them are scared to speak up. The Senate Indian Affairs Committee can provide you with the names and contact information for the IHS Winnebago Hospital employees who have sought and received federal whistleblower protection and of others who have been specifically told not to file reports of improper hospital practices on the HHS Web incident reporting system. This is outrageous, its illegal and it is threatening people’s lives.

In the interim, I am here to ask for your assistance in assuring that our hospital does not lose services or staff because of its loss of Medicare/Medicaid third party income. We have IHS employees who are suggesting that it may not be “cost effective” to fix some of our hospital’s current problems or even to run hospitals in the Great Plains Area. So, the IHS leaves us with an underfunded, undertrained staff, and now it wants to use the very situation that it created as an excuse for saying that it’s not “cost effective” to save an Indian, or to provide an Indian with medical services within a reasonable distance of their home. This is outrageous, it is a flagrant violation of our treaty and of the federal government’s trust responsibility and quite frankly it is inhuman.

I am also asking for your help in assuring that the Great Plain IHS Service Area has all of the Referred Care dollars that it now requires because of this crisis. Since our hospital lost its CMS certification, and since the CMS certification of the Rosebud Hospital’s Emergency Room and the Pine Ridge Hospital is now being threatened as well, the IHS has been sending an ever increasing number of patients from these three facilities to third party providers. In some instances this has been helpful, and in other instances we believe that it is being done just to avoid another set of CMS findings. While we are glad that our people are receiving care, we are worried about where the funding is going to come from to pay those referred care bills. The Great Plains IHS Service Area has long been operating on a priority one basis, and despite that limitation, it has often run out of referred care dollars well before the end of the fiscal year. So, unless the IHS has not been truthful about its budget in past years, we fear that the Aberdeen Area will not have enough money in its referred care budget to cover these added costs in FY 2016 and 2017. If this is true, every tribe in the Great Plains Service Area will suffer and our Winnebago people will suffer yet another injury when they receive thousands of dollars of unexpected medical bills a few months from now. Please do not let that happen.

Mr. Chairman, the Winnebago Tribe has submitted a series of recommendations for improvements in the Indian Health Service to the Senate Indian Affairs Committee and the House Natural Resources Committee. I am attaching a copy of those recommendations to my testimony. We know that many of you serve on other Committees which can help us get some of those recommendations enacted and we ask for your help in doing that.

The Winnebago Tribe knows how hard this Subcommittee has fought to preserve the IHS budget during these tight fiscal times, and we appreciate those efforts very much. It is my sincere hope that you can use my testimony to show your colleagues that their decisions about Indian Health Care Funding have consequences, and that the wrong decisions can lead to very real harm. Thank you for this opportunity to address you today. I will be happy to answer any questions you may have.

Mr. COLE. Thank you. We will be back in the question-and-answer period to the issue you raised, because it is a very important issue, and it does have the attention of this committee, I can assure you.

If we can go next to you, Mr. Azure. Is that——

Mr. AZURE. Floyd Azure.

Mr. COLE. Azure. Okay.

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FRIDAY, MARCH 18, 2016.

## **ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION**

### **WITNESS**

#### **FLOYD AZURE, CHAIRMAN, ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION**

Mr. AZURE. My name is Floyd Azure. I am chairman of the Assiniboin and Sioux Tribes of Fort Peck Indian Reservation. It is a 2-million-acre reservation, and we are 350 miles from the nearest major medical facility.

I would like to thank the subcommittee for inviting me to testify on behalf of Fort Peck tribes. Congress has long recognized that the foundations for economic development and prosperity in Indian Country lay in community stability, which begins with infrastructure, such as safe drinking water, roads, and utilities.

This is why we strongly support the administration's \$2.262 million request for the operation and maintenance funding for the Fort Peck reservation rural water system. This funding is essential for this system to operate, which now provides drinking water to more than 15,000 residents in northeast Montana and several social and governmental agencies, including the Bureau of Indian Affairs Agency Office, Poplar Schools, and Poplar hospital.

Related to our water infrastructure is our transportation infrastructure. The administration's funding request for the road maintenance program is insufficient. This year, the request will be to permit the tribes to maintain only 16 percent of BIA-owned roads and 60 percent of BIA-owned bridges in acceptable condition. This is a safety issue.

Most of these routes are gravel and earthen school bus routes that require more frequent maintenance than paved roads. We urge the committee to add an additional 9 million to the road maintenance program. Doing so will increase the percentage of BIA-owned roads and bridges maintained to an acceptable condition.

As we seek to build and maintain our physical infrastructure, we need to better enhance or community infrastructure, including our law enforcement department, our social services programs, and our tribal courts. This is why we support the President's Generation Indigenous Initiative as a comprehensive interagency response to challenges facing Indian Country. There is no greater need in Indian Country than public safety and justice, and these programs cannot be sacrificed for any purpose.

Our police chief estimates that 70 to 80 percent of criminal conduct has a drug component to it, with assaults and burglaries aris-

ing out of the drug use and addiction. The BIA's own statistics are alarming. Over a 5-year period, drug-related arrests in Indian Country increased nearly tenfold, from 443 arrests in fiscal year 2008 to 4,289 arrests in fiscal year 2013.

Our tribal police department has 18 police officers, 2 dedicated to drug enforcement, 3 criminal investigators, and we share dispatchers with Roosevelt County. The needs of our community and those throughout Indian Country cry out for increased law enforcement and justice funding.

The IHS operates two clinics on the reservation, the Verne E. Gibbs IHS Health Center in Poplar and the Chief Redstone IHS Health Center in Wolf Point. Inpatient services are available at the non-IHS Poplar Community Hospital and Trinity Hospital in Wolf Point. To combat the high instances of heart disease, cancer, and diabetes, the tribes supplement health services on the reservation through our health promotion and disease prevention wellness program, which we operate pursuant to the ISDA contract with IHS.

The tribe's focus on preventative care is the reason we so strongly support the requested increase of \$48 million for purchased and referred care. This level of funding will allow more service units to move beyond life-or-limb coverage and provide a fuller range of healthcare services instead of crisis care. Everyone agrees that focusing on the health of a person instead of crisis care will improve the health status of our people.

One area I would ask the committee to address in its report is that, for many of our people who have insurance, service units at Fort Peck will not refer people out for anything but life-or-limb care. Thus, even if someone has insurance to cover a procedure like a knee surgery, the person's primary provider who is the service unit will not refer him out.

If the person gets knee surgery anyway, the his will not pay the copay or the deductible, because it does not meet the life-or-limb criteria. Many of our tribal members who have insurance are the working poor. They cannot pay these obligations, which are often-times substantial; thus, this bill is referred to collection. To me, this is bad policy, and let me explain why. My other career outside of being the chair of one of the largest land-based tribes in the country is auto body repair. I repair cars at all times, and what I know is that it is always easier and cheaper to fix something early rather than to wait for it to get really bad, which his is essentially saying is that they will only pay for the copay and the deductible if a windshield is shattered and has to be completely replaced instead of paying for a portion of the cost to fill in the chipped windshield. This does not make good economic or healthcare sense. This policy must be examined.

My wife is a school teacher of 25 years. She just had an interaction with her students. She teaches kindergarten. The question was, what do you find in a hospital on a reservation? Dead people. That is something I would like you to think about.

And I would like to thank you for this opportunity for me to testify.

[The statement of Mr. Azure follows:]

**TESTIMONY OF  
FLOYD AZURE, CHAIRMAN  
ASSINIBOINE AND SIOUX TRIBES  
OF THE FORT PECK RESERVATION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR AND RELATED AGENCIES  
CONCERNING THE BIA AND IHS FY 2017 BUDGET  
March 18, 2016**

I would like to thank the Subcommittee for inviting me to testify on behalf of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation concerning the BIA and IHS FY 2017 appropriations. My name is Floyd Azure. I am Chairman of the Assiniboiné and Sioux Tribes of the Fort Peck Reservation. I will focus my testimony today on infrastructure, public safety and public health needs for our Tribe which are largely dependent upon the appropriations of this Subcommittee to the Bureau of Indian Affairs, and Indian Health Service. The Tribes also express strong support for the Administration's request for full funding for contract support costs for both the BIA and the IHS. We also fully support the Administration's proposal to make this funding mandatory.

**FORT PECK RESERVATION RURAL WATER SYSTEM**

Congress has long recognized that the foundations for economic development and prosperity in Indian country lay in community stability which begins with infrastructure such as safe drinking water, roads and utilities.

This is why we strongly support the Administration's \$2.262 million request for the Operation and Maintenance (OM&R) funding for the Fort Peck Reservation Rural Water System. This funding is essential for this system to operate, which now provides drinking water to more than 15,000 residents in Northeast Montana and several social and governmental agencies, including the Bureau of Indian Affairs Agency Office, Poplar Schools, and Poplar hospital.

More than 20 years ago, the Tribes realized that a new water source was necessary to ensure the health of our people. Located on a former inland sea with a high saline content, coupled with unprecedented contamination from oil production, water on the Reservation and the surrounding communities is not safe for human consumption. To ensure our future, we sought to find another water source for our people. Congress agreed and in 2000 enacted the Fort Peck Reservation Rural Water System Act to build a modern rural water system for the Reservation (Assiniboiné and Sioux Rural Water System) and to assist the off-reservation communities in Roosevelt, Sheridan, Daniels and Valley Counties (Dry Prairie Rural Water Authority) build a rural water system that would "interconnect" with the Tribes.

We are more than 60% complete and the Project now serves more than 70% of the Reservation population with safe, reliable drinking and industrial water. The statute requires that the OM&R of the Assiniboiné and Sioux Rural Water System – the portion on the Reservation that is held in trust by the federal government – be paid by the BIA as a federal

obligation. This is consistent with the federal trust responsibility to the Tribes, who were promised a permanent home when we agreed to move to the Reservation. A permanent home requires safe drinking water.

To date, the Federal government has invested \$180 million in constructing the Fort Peck Reservation Rural Water System. The Assiniboine and Sioux Rural Water System components – the “common facilities” – must be maintained. The entire system is dependent upon the safe and proper operation of common facilities which includes the Missouri River intake, the pumping system, the water treatment plant, and miles of main transmission lines running east-west and north-south within the Reservation. Adequate funding of the operation and maintenance of our “common facilities” will extend the useful life of this vital infrastructure project. Thus, the \$2.2 million requested for the OM&R of this project is critical. If Congress does not appropriate the required funds for OM&R, then this System will not operate and the people of Northeast Montana will have no drinking water.

## **PUBLIC SAFETY AND DRUG TRAFFICKING**

The Reservation lies immediately west and north of the Bakken and Three Forks Formation and we are already witnessing the economic impacts of oil and gas development in this region. With rapid development come social ills in the form of increased criminal activity, including methamphetamine use, prescription drug abuse and addiction, which is reversing the downward trend our Tribal police achieved through effective policing techniques, task force collaboration and effective education campaigns.

Six years ago, through effective policing techniques, our Chief of Police was seeing a reduction in methamphetamine use on our Reservation, but over the last few years it has returned with a vengeance. The growing population working in the Bakken formation has created an easy source of meth on our Reservation. This problem must be attacked on all fronts: law enforcement; treatment; and improved social services. This is why we support the President’s Generation Indigenous Initiative as a comprehensive interagency response to the challenges facing Indian country, but so much more needs to be done if we are to reverse substance abuse.

### **A. Law Enforcement**

There is no greater need in Indian country than public safety and justice and these programs cannot be sacrificed for any purpose. Our Police Chief estimates that 70%-80% of criminal conduct has a drug component to it, with assaults and burglaries arising out of drug use and addiction. The BIA’s own statistics are alarming; over a five year period, drug related arrests in Indian Country increased nearly ten-fold from 443 arrests in FY 2008 to 4,289 arrests in FY 2013. Our Tribal police department has 18 police officers, two dedicated to drug enforcement, three criminal investigators, and we share dispatchers with Roosevelt County. Our Police Chief said he could use six drug enforcement agents to help with the rising workload. The needs of our community and those throughout Indian country cry out for increase law enforcement and justice funding. We urge you to reject the Administration’s proposal to cut law enforcement funding.

## **B. Social Services**

In the last year, we have had too many infants born addicted to meth. These infants must be placed in foster in families. This causes tremendous stress on our social services program. The Administration's \$53 million request for tribal social service programs and the \$19 million requested for Indian Child Welfare programs will help meet this need. In addition, the \$30 million requested for tribal courts will also ensure that our children are safer as these institutions will have additional resources to supervise and monitor the children in their care.

## **C. Detention Services**

The Fort Peck Tribes completed a modern detention facility to serve the Reservation and other tribes. This allows for inmates to be close to their homes and families. It will do a great deal to ensure continuity in our families. Beyond not requesting additional funds for law enforcement personnel, the Budget does not request sufficient funds for the operation of BIA-or tribally-operated detention facilities that were opened in the last two years, like Fort Peck.

The Tribes worked with the BIA office of Justice Services when we were building this new detention facility, including on the staffing and operations costs. The Tribes entered into a contract with the BIA for the operation of this facility. And while we received some funding associated with this contract, it is approximately 30% of what we negotiated with the BIA to have a fully functional detention center. When we expressed concern, the BIA officials said that the Tribes would be made whole in FY 2016. This did not happen last year. We ask you do this so that we can continue to provide safe and secure detention services in our community and protect the Tribal and Federal investment.

## **ROAD MAINTENANCE**

By its own admission, the Administration's funding request for the Road Maintenance Program for FY 2017 will permit tribes to maintain only 16 percent of BIA-owned roads and 62 percent of BIA-owned bridges in "acceptable" condition. This leaves 8 out of 10 BIA-owned roads and nearly 4 out of 10 BIA-owned bridges with funds to maintain them in their poor or failing condition. This is a safety issue. Most of these routes are gravel and earthen school bus routes that require more frequent maintenance than paved roads. We urge the Committee to add an additional \$9 million to the Road Maintenance Program out of planned increases for the Interior Department for FY 2017. Doing so will increase the percentage of BIA-owned roads and bridges maintained to an "acceptable" condition.

## **INDIAN HEALTH SERVICE**

We continue to build government services and programs on the Reservation and attract businesses to improve the quality of life for our members. The IHS operates two clinics on the Reservation; the Verne E. Gibbs IHS Health Center in Poplar, and the Chief Redstone IHS Health Center in Wolf Point. In-patient services are available at the non-IHS Poplar

Community Hospital and Trinity Hospital in Wolf Point. To combat the high incidence of heart disease, cancer and diabetes, the Tribes supplement health services on the Reservation through our Health Promotion and Disease Prevention (HPDP) Wellness Program, the Spotted Bull Resource and Recovery Center, and nursing services for a Youth Detention Center, which we operate pursuant to an ISDA contract with the IHS.

The Tribes' focus on preventative care is the reason we so strongly support the requested increase of \$48 million for Purchased and Referred Care. This level of funding will allow more Service Units to move beyond life or limb coverage, and provide a fuller range of health care services, instead of crisis care. Everyone agrees that focusing on the health of a person instead of crisis care will improve the health status of our people.

One area I would ask the Committee to address in its report is that for many of our people who have insurance, whether it be private, Medicaid, or Medicare, the Service Unit at Fort Peck will not refer people out for anything but life or limb care. Thus, even if someone has the ability to cover a procedure, like gall bladder surgery, the person's primary provider, who is at the Service Unit, will not refer them out. If the person gets the gall bladder surgery, the IHS will not pay the copay or the deductible because they did not meet the life or limb criteria. Many of our tribal members, who have insurance, are the working poor. They cannot pay these obligations, which are often times substantial. Thus, they consequently get referred to collections. I would ask that the Committee direct the IHS to reconsider its business practices, because waiting until someone is at life or limb stage to address a health issue makes neither good economic or health care sense. It would make more sense to pay the copay and deductible before someone gets dangerously ill.

We are disappointed that the Indian Health Service has yet to implement a portion of the Indian Health Care Improvement Act that allows the IHS to provide dialysis services to patients. More than twenty years ago, the Fort Peck Tribes recognized the need for dialysis services on our Reservation and built and opened a dialysis clinic on the Reservation. This was without any assistance by the IHS because, at that time, the IHS said it did not have the authorization to provide these services. Today, this facility needs to be expanded, and now the IHS has the authority to provide dialysis services. However, the IHS has not requested any funding from Congress to do so. We would urge the subcommittee to direct the IHS to provide an update on how it plans to expand its role in providing dialysis care in Indian Country.

## **CONCLUSION**

We thank the Subcommittee for the opportunity to testify.

Mr. COLE. Thank you. And we do think about it a lot. This committee has actually—and we know it is not enough—but we have actually increased the IHS budget by about 54 percent since 2008. It has been a steady, continuous effort, but we know there is still a long, long way to go, and your experience is proof positive of that. You should know we did raise this in this committee directly with the then director of IHS. I think there has been a change there since then. And I am not applying a connection. I don't know. But I know there is different personnel there now.

And I did raise it directly with Secretary Burwell, the Secretary of Health and Human Services. She has got a task force team focused on this. And, you know, it is pretty embarrassing to us. As you know, you are not the only facility that lost certification by CMS. We had one on Rosebud as well. Very similar types of situation.

One thing I would ask—and I would never recommend this; this is always an individual tribal decision—but we did ask his officials, could you see a difference in quality between tribally-run facilities and your own? And they said: Yeah, in some cases, because literally nobody takes care of your own people like your own people. I know that is what we did in the Chickasaw Nation beginning in the 1970s, and it made the system much more responsive, because, frankly, if you were sitting there waiting for 4 hours, and we had that kind of problem, they would just get on the phone and call a tribal legislator or something, and they got a pretty quick response. And over time, you know, a lot of the staff became our folks as well. So, again, it is just something that that would always be your decision, and it is no excuse for the Indian Health Service not providing adequate care. And for different tribes, it may make sense or it may not make sense, but I would just commend you to think about it at least and see if that helps.

In the meantime, I will assure you that we will be doing everything we can to push from this end on a bipartisan basis to make sure that those facilities are brought up to standard. They can't afford to be closed. There is no health care for many miles in every direction other than that facility. But, you know, what you are talking about is not acceptable. So I wanted to make that point.

I will yield to my friend, the gentlelady from Minnesota.

Ms. MCCOLLUM. Thank you. I want to reflect what Mr. Cole said. We talked a little bit yesterday about what is happening in the Great Plains. What is happening in hospitals in Indian Country is not acceptable. One of the first IHS hospitals I visited was going through some restructuring and changing. This was in the Great Plains area, and they had taken the maternity care out of there because mothers and babies were being lost. Then I went to a revamped clinic that was really nice, and later that day, I went into a facility where I wanted to walk up and tell everybody to leave. So I am sorry for your loss, your personal loss, and I am sorry for all the families who have lost loved ones. We are very serious about the oversight responsibility we have.

One thing that has come up in these hearings is the electronic medical records. It started coming up yesterday. You do not use the RPMS at your facility. Is that correct, Mr. Floyd?

Mr. FLOYD. That is correct. We don't use RPMS. We use a commercial product.

Ms. MCCOLLUM. It is your choice not to use RPMS, which is delivered from the Indian Health Service. Is that correct?

Mr. FLOYD. That is correct, yes.

Ms. MCCOLLUM. Is that because it is inadequate, out of date, and doesn't work?

Mr. FLOYD. That is correct. I think the support—you know, it is a MUMPS-based language system, and MUMPS programmers are, you know, my age are older now, and they have retired and left the system, so you are really in a second generation, and so that is the biggest issue I see.

Ms. MCCOLLUM. We are talking about that now. This has come up repeatedly, so staff will be digging into that.

Mr. FLOYD. That is correct. Thank you.

Ms. MCCOLLUM. Mr. Miller, we heard about how great Haskell was, and so I wanted to thank you for your comments on that. I have been to Fort Peck. My grandfather was a mechanic at Sidney Fort in Montana, and I know what it is like being from Minnesota, but also in your area, to be driving for dialysis. I read your full testimony. If you could tell us a bit about why you are looking for more dialysis. How far, even on your reservation, do people have to drive? When you have a whiteout, you are not going to get in your car and drive. Could you tell us a little more about what you have requested for your dialysis and how long that request has been in?

Mr. AZURE. That request has been in for as long as I have been on the council. We have a situation where we have around 36 patients that they have to service in our dialysis, and they are not all Native Americans. There are non-Indians in there also, and we are pretty much paying for the whole thing. I think the closest one we have to us is in Malta, which is, like, 136 miles away. Other than that, there is none that I can—there is none in Sidney or Glasgow or Williston. We are basically the ones that do it, and I think after that is Billings, which is 350 miles away. And we need to expand, because right now, with the situation we have, our dialysis workers are working three shifts 7 days a week.

Ms. MCCOLLUM. Thank you. I know that we want to work together on preventing diabetes. We want to have better drug support for those individuals that have it, but in the meantime, dialysis is a lifesaving treatment. In my opinion, Mr. Chair, it is only going to get worse, so we need to get a handle on this.

I say this as someone from the Twin Cities who has spent a lot of time in rural areas, especially in the winter. Patients just decide not to do it anymore. They literally decide to end their lives quietly because of the stress on the family getting them there and the dangerous conditions that put other people at risk in the winter to get them to dialysis.

So thank you for including all of your testimony, and having that in there, sir. Thank you.

Mr. AZURE. Thank you.

Mr. COLE. We want to thank all of you for coming and testifying. And we will be addressing these concerns, particularly yours, as we go forward.

And if I could—we are running a little behind—I am going to invite the next panel up. But, again, thank all of you for coming such a long way. Thank you for your testimony, both written and verbal.

Okay. If we could next have Chairwoman Pearson, Chairman Flying Hawk, and Councilman Spotted Bear. I would love to have you guys come forward, all of you.

Well, thank all of you for being here. It is a pleasure to have you here this morning. Thanks for traveling such a long way to educate us about your concerns.

And if we can, Chairwoman Pearson, I will start with you. You have 5 minutes, then we will move through the line, and we will have questions.

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FRIDAY, MARCH 18, 2016.

## **SPIRIT LAKE TRIBE**

### **WITNESS**

#### **MYRA PEARSON, CHAIRWOMAN, SPIRIT LAKE TRIBE**

Ms. PEARSON. Good morning, Chairman Cole and members of the subcommittee. And I appreciate this opportunity to come here to give my testimony. I am not going to read the whole thing, because I am trying to earn brownie points.

Mr. COLE. You were here early.

Ms. PEARSON. Yeah, I was here, so—

Mr. COLE. You already got the routine down.

Ms. PEARSON. But I would like to, you know, echo a little bit of what the other tribes have been talking about, the other council people. We do have our problems, which are in law enforcement. We are 49 percent funded there, and our law enforcement is, you know, is quite small for our enrolled members. And our enrolled members, we have approximately 7,250 enrolled members, of which 6,200 live on the reservation. And so our law enforcement is currently at six police officers, and, you know, that isn't enough to serve the number of people that we have.

People are quite vicious when it comes to, you know, trying to avoid law enforcement. And what they have been doing is, like, calling in something from one end of the reservation when they know they are at the other end, so then those officers have to prioritize. But when they get to that other end, there is nothing there. So that is kind of something that, you know, the people have gotten pretty keen to.

But, on the same note, you know, we have got the drug problem. And I am not saying it is only the meth and, you know, prescription drugs or anything; it is getting a little more serious, where lately I believe the last four to six people that have passed on our reservation, and it has been due to drugs. Each one of our reservations needs a facility, you know, treatment facility to help us combat this. And those are hard to come by, because I do understand you are going to have to have people that are qualified to work in those facilities and, you know, treat the people.

This past week—I have two nieces that are both college graduates and never lived on the reservation. They had to come home

to bury their father, who died from a drug overdose. And it is not here in my testimony, but, you know, these are true facts that we deal with on our reservations.

I wish I can always come here to give testimony on, you know, the success we have had and, you know, things that are going good and everything, but, you know, I can't do that.

Another issue in our court system is—you know, they are underfunded. They are understaffed, and it is a busy place. But the one thing that concerns me right now is the security, that we don't have any security in our administration building or our courthouse. And, recently, we were—you know, there was a threat made on our tribal judge, and they were told, you know, that it was going to be a blood bath when they came in, but it was a non-enrolled member, a non-Native member, in fact, so we had to pull in the sheriff and everybody, you know, outside our jurisdiction to come and help, you know, protect the staff and employees. I did let some of the employees go for the day, and then we just locked the rest of the place down, kind of—you know, had a lot of officers.

The one thing we did do: we had a drug sweep on the reservation about—I believe that was in December. There were 26 arrests made, which is not enough, not enough arrests, but, you know, people were taken off our reservation.

And then, about 2, 3 weeks ago, we held a meth summit, and that was in conjunction with Cheyenne River. And Chairman Frazier from the Great Plains asked me if I would host that, and I did. And the turnout was, you know, phenomenal.

I give a lot of credit to our youth, because a majority of our attendance was the youth. We have three public schools on our reservation, and from those schools, 7th through 12th grade attended that meth summit. And one school turned around and asked us if they could come and meet as—you know, their youth student government meet with our tribal council and discuss these issues. And the youth themselves are the ones that brought up the fact that, you know, what are we going to do about the meth? So my answer to that is we better do something, because if we don't, the youth are going to think that if we are not going to do nothing, it is okay for them to use drugs. So I think right there, that is going—you know, we are going to do something for them and make sure that, you know, they get what they ask for, because they are going to be our future leaders. I hear that a lot, but I want to do something about that. And, you know, with your help, you know, and anything I can get, you know, I would sure appreciate that, because those youth are the future of our tribes.

Everything is in my testimony here. I have, you know, more, but I would appreciate anything that you can help me with. And I thank you for this opportunity. Thank you.

[The statement of Ms. Pearson follows:]

**Hearing: House Committee on Appropriations  
Subcommittee on Interior, Environment & Related Agencies  
Friday March 18, 2016  
Myra Pearson, Tribal Chairwoman, Spirit Lake Tribe  
Subject: Spirit Lake Tribe**

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I would like to thank you for the invitation to present testimony on behalf of the Spirit Lake Tribe.

I am Myra Pearson, I serve as the elected Chairwoman for the Spirit Lake Tribe, located in northeastern North Dakota and within the Great Plains Region. The Spirit Lake Reservation was established by the Treaty of 1867 and currently consists of more than 250,000 acres of land. There are more than 7,250 enrolled members of the Spirit Lake Tribe, and our reservation currently has a population of approximately 6,200 people, consisting of enrolled members, non-enrolled members, and non-Indians. Most of the enrolled members of the Spirit Lake Tribe reside either on the Spirit Lake Reservation or within the immediate region.

The Spirit Lake Tribe, along with many tribes in our region, has been working diligently to develop and strengthen our self-governance infrastructure, community based services and economy. As we endeavor to improve the conditions within our community we have faced many challenges by virtue of demographics and resource deficiencies. These challenges have hindered our efforts to meet short-term goals and to implement meaningful long-term plans.

**Tribal Priority Programs (TPA):** Like many tribes in the Great Plains Region, the Spirit Lake Tribe lacks significant and stable sources of governmental revenue to provide for the many needs within our community. TPA is a group of programs within the Office of Indian Program Budget that provides funding for BIA Agency Operations, Tribal PL 93-638, and BIA Regional Office Field Operations, all of which are essential services for our Tribe. This funding is critical to the provision of community safety based services, judicial services, human services, transportation, economic development and self-determination contracts. Stable funding is essential regardless of classification as a Direct Service Tribe or a Self-Governance Tribe and should be provided to a level that meets the needs of our tribal communities.

**1) Public Safety and Justice:** The Spirit Lake Tribe, like other tribes in the Great Plains Region, exercises broad jurisdiction over criminal and civil matters. We do so despite the fact that funding for first responders and justice system service personnel is consistently well below the demonstrated and most basic need. The historical base funds provided have failed to account for the needs associated with higher than average rates of violent crimes, substance abuse and related offenses. BIA law enforcement at Spirit Lake has historically been underfunded in terms of equipment, training, and staffing. The Spirit Lake Tribe has made numerous attempts to work with federal partners to resolve these law enforcement deficiencies and yet today we only have approximately 6 full time patrol officers working in shifts to provide law enforcement on our reservation. These deficiencies pose a threat to the lives of the officers serving our community and to the safety of our community as a whole. The lack of sufficient and stable funding for first responders exacerbates our higher than average rates of crime and fosters criminal activities within our borders. Furthermore, these factors directly affect the safety of our members, comprise our ability to diversify our economies and hinder our abilities to collaborate with other jurisdictional authorities thereby jeopardizing our sovereignty. The federal trust responsibility, which is affirmed by our treaties and even the earliest United States Supreme Court cases, supports the premise that federal funding needs to be substantially increased to a base line that supports the

provision of professional law enforcement services necessary to respond to crimes within our jurisdiction.

**Construction and Operation of Post-Adjudication Facilities and Services:** Beyond first responder issues and despite the high rates of violent crime and substance abuse related offenses, there is little to no base line funding to construct holistic treatment based facilities within our tribal community. Once again, absent such services for court-involved individuals we are left with a justice system that is ill equipped to reduce recidivism and foster a healthier, safer community. Reliance upon other forms of federal funding offered through DOJ is not the answer. Such funding sources, while helpful, are not stable funding sources that will support long-term change. Establishing an on-reservation inpatient treatment facility is a top priority for the Spirit Lake Tribe. Treatment and counseling services are essential to addressing the unmet needs of court-involved youth, adults and families.

**Alternatives to Incarceration:** Beyond incarceration there are many programs and services that need to be implemented for court involved individuals. While treatment based programs are a top priority at Spirit Lake, we would also benefit greatly from basic alternatives to incarceration such as a community service program and probation. The Spirit Lake Tribe needs base funding for such programs, which would help to hold offenders accountable while also providing valuable services to the tribe.

**2) Tribal Courts:** The Tribal Law and Order Act of 2010 and Title IX of the VAWA has had little impact within our region predominantly due to the fact that the BIA funding currently provided fails to address even the most basic court services needed. Absent funding to develop effective court interventions, staff tribal courts and support essential court related costs, violent crime and drug related offenses continue to rise within our community. The Spirit Lake Tribal Court is currently comprised of three divisions and staffed with a three clerks of court, two judges and a receptionist. The Tribal Court is a busy place and although we were able to build a courthouse several years ago, operational costs for that facility as well as appropriate staffing levels to meet the demands of the case load continue to be problematic. Additionally courtroom security, services of process and necessary technological updates remain unmet needs for our tribal court.

Furthermore, our tribal judges are extremely limited in terms of sentencing and alternatives to incarceration. Detention facilities are not readily available for juvenile or adults and with no access to nearby inpatient treatment facilities there are significant transportation costs. There is rarely, if ever, sufficient funding to make inpatient treatment for substance abuse, mental health or co-occurring a viable option. The end result is that most offenders appearing before Tribal Court are sentenced to relatively short periods of detention with little to no rehabilitative or prevention based services available to them. For individuals who are not facing criminal sanction but rather civil commitments the challenges are even greater due to lack of transportation and nearby services. In light of recent federal legislation such as the TLOA and the VAWA, the Tribal Court needs increased base line funding to support professional judges, public defense programs, probation and reentry services, as well as administrative support. In the Great Plains Region alone the estimated unmet needs for tribal courts is close to \$4 million dollars.

**3) Human services:** Services for children, the elderly and the disabled are intrinsically linked to our ability to foster healthier and safer communities. Child and protective services, child and family case management, ICWA, general assistance, emergency assistance, burial assistance and

child assistance are all included within this priority area. Historically the Spirit Lake Tribe has struggled to provide these services due to funding shortages, which cripple our ability to hire and retain professional service providers. It comes as no surprise, given the higher than average rates of violence and substance abuse related offense in our jurisdiction, that the caseload facing our human service providers are disproportionately high. Our staff to case ratios in child protection and child and family case management are 4-5 times higher than the ratios recommended by professionals in the field.

In recent years the Spirit Lake Tribe has lost several young children to violent crimes, including children in protective care. The Spirit Lake Tribe desperately needs funding levels to increase in this area if we are going to be able to make the systemic changes necessary to prevent further untimely deaths of our children and our elders. In the Great Plains Region alone an estimated \$1.3 million dollars is needed to address the unmet need through the FY 2017 regional Budget.

**4) Bureau of Education:** In terms of education there is a lack of local control regarding tribal laws, accreditation and standards. Tribal Education Offices need to be funded in order to eliminate middle management, provide more local controls and effectuate overall cost savings. Far too much of the existing BIE budget is used to pay the salaries of high level BIE officers when those funds should be put to use in our schools providing culturally relevant education to our children. The Tribal Education Departments must be supported to develop culturally relevant curriculum in our schools. This should begin at the pre-school level and continue throughout the grade school and post-secondary educational programs. Additionally our schools require funding for repairs, maintenance and operation.

**5) Road Maintenance:** Within our region and more specifically the Spirit Lake Tribe, current funding for road construction, repair and maintenance is funded at less than 15% of the need. The Spirit Lake Reservation has experienced significant damage to this vital infrastructure for more than a decade due in large part to the flooding issues in our area. Roads are a basic infrastructure need to not only ensure transportation needs are met but also to ensure that we are able to foster economic growth and development. The Spirit Lake Tribe requires additional funding to address the unmet needs for roads repair and maintenance.

**6) Housing:** The housing crisis facing the Spirit Lake Tribe is a top priority for our government. Many of the houses that are on the reservation have fallen into serious disrepair and the Tribe lacks sufficient funding to adequately repair and maintain those houses. The houses have issues such as black mold, inadequate windows and doors, and structural damage. It is essential that funding be increased to provide the Spirit Lake Tribe with sufficient funds to rehabilitate or repair existing structures. Additionally as our Tribal population continues grow, many of our members have been forced to relocate off the reservation due to housing shortages. It is essential that funding be increased to assist the tribe providing safe and suitable homes for our tribal members to meet our needs and prevent the displacement of our members.

**7) Trust and Natural Resources:** Protecting our lands and natural resources is vital to the preservation of our home and our tribe. With rising waters, agricultural needs leases have become increasingly important to people in our community. In terms of land management the backlog of land appraisals need to be addressed and funds need to be increased to assist us with the management of our trust and natural resources.

**8) Economic Development:** As unemployment rates on the Spirit Lake Reservation continues to far exceed the national average, the Spirit Lake Tribe has struggled to attract and develop viable businesses to the reservation. While the community safety and infrastructure issues relating to facilities, roads and lands exacerbate these difficulties, the Tribe continues in attempts to develop a strong, stable and diverse economy. To this end the Spirit Lake Tribe has made attempts to pursue renewable energy projects, manufacturing projects and to develop a small business sector. Several of these attempts have met with success, however several have not due in large part to inadequate physical or legal infrastructure or lack of resources to proceed. The Spirit Lake Tribe needs funding to support economic development projects, including renewable energy projects, small business sector projects and projects to develop commercial codes and other necessary legal infrastructures.

The Indian Guaranteed Loan Program funding needs to be restored and the tribes need access to formula based funding for economic development projects. The Spirit Lake Tribe also requests and supports permanent funding for contract support costs.

**9) Welfare Assistance:** In light of the high unemployment rates, violent crime, drug related crimes and child welfare issues, the Spirit Lake Tribe requests the full continuation of Child Assistance funding. Child Assistance funds are essential to the provision of safe and living homes for children in need of care. These funds support the needs of children placed in foster, private, residential and group homes and must be continued.

We ask Congress to continue to support TPA programs as they support essential services to our tribal communities.

**Budget Increase Needs for the Spirit Lake Tribe:**

<b>Tribal Priority Area</b>	<b>FY 2016/ Current Funding</b>	<b>FY 2017 Need</b>
<b>1) Public Safety and Justice</b>	-	<b>\$748,800</b>
<b>2) Tribal Courts</b>	<b>\$210,696</b>	<b>\$311,515</b>
<b>3) Social Services</b>	-	<b>\$407,509</b>
<b>4) Economic Development</b>	-	-
<b>5) Bureau of Indian Education</b>		
<b>Job Placement Training</b>	<b>\$102,904</b>	<b>\$333,458</b>
<b>Early Childhood Tracking</b>	<b>\$749,083</b>	<b>\$786,537</b>
<b>6) Road Maintenance</b>	<b>\$253,094</b>	<b>\$10,109,955</b>
<b>7) Housing (HIP)</b>	<b>\$14,378</b>	<b>\$399,000</b>
<b>8) Trust and Natural Resources</b>	<b>\$57,096</b>	<b>\$189,798</b>
<b>9) Enrollment</b>	<b>\$36,333</b>	<b>\$64,203</b>
<b>10) Welfare Assistance</b>	-	<b>\$1,017,813</b>
<b>11) ICWA</b>	<b>\$67,313</b>	<b>\$174,405</b>
<b>12. JOM</b>	<b>\$72,906</b>	<b>\$480,400</b>

Mr. COLE. Well, thank you so much again for traveling such a long way and being with us today.

If we can, Chairman Flying Hawk, we will go to you next.

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FRIDAY, MARCH 18, 2016.

## **YANKTON SIOUX TRIBE**

### **WITNESS**

#### **ROBERT FLYING HAWK, CHAIRMAN, YANKTON SIOUX TRIBE**

Mr. FLYING HAWK [Speaking native language]. The translation is: Good morning to you, and thank you for this opportunity. I am here from the Yankton Tribe. My name is Robert Flying Hawk, the chairman of the Business and Claims Committee of the tribe and also recognized as the leader of the tribe, also a member of our health board of the Great Plains area, and a member of a tribal task force from the CDC, but we are Ihanktonwan, the Yankton Tribe, a strong and resilient tribe.

I am here to reiterate, to say again the things that have been said over and over again talking about the economy of us as a tribe and as a part of the Great Plains Tribes. We are looking for help. Without this help, it affects our social abilities. As has been shared, you heard earlier, that the challenges that we have in education. And in a paper that was signed that is recognized as a treaty, the health and welfare, education of us as people are to be taken care of. Today, we are challenged with that education. The committee and the people here have done great things, but yet we are still asking for that help. We have come short.

We are told that we are given this dollar, and then we are told again that, with this dollar, you are to pay at least 80 percent of that dollar for things that we are charging again. So those are the things that we are looking at.

One of the things that we have is the word "consultation." And regarding this dollar, this budget, the committee is asking us: Well, we have this consultation, but yet at this consultation, we are presented with a budget that has already been set. So we appreciate the efforts and the work that is being done, but we need to really review that, relook at that process, that consultation. And I understand that we are looking at next year's budget and the year after that, but we have got to get a hold of that, slow that down, rein that in so that we can really have that consultation, so that we can really have some input on what is happening to us today. The drugs have been really devastating to us. The health and the hospitals, the staff that are in those clinics, those hospitals at home, our emergency care was taken away because of that dollar shortage. An ambulance is very hard to get into our clinic.

But those are the challenges. And we are a strong people. We are resilient. We have been coming through these years historically as we began, reaching out that hand and saying, "Here, welcome," and then what has happened to us today as that welcome has walked across this country. And we understand and still reach out to our neighbors. And we have a strength as we look up above us. And as we stand on this ground, we have this foundation and then as

we reach out to each other as fellow human beings to live together and to continue to be a strong community.

So we are asking as the Yankton people, the Ihanktonwan people, to revisit this budget. We feel that at home and as a member of the Great Plains, there is a shortage. This dollar that is presented is used up. It is already used up by the demands that are put on it before it is even given.

So thank you.

[The statement of Mr. Flying Hawk follows:]

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ROSEANNE WADE  
MONA WRIGHT

**United States House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies**

**Testimony on American Indian/Alaska Native Programs**

**March 18, 2016**

Good Morning Mr. Chairman and Members of the Committee. Thank you for the opportunity to testify today on these important budget issues. My name is Robert Flying Hawk and I am the Chairman of the Business and Claims Committee of the Yankton Sioux Tribe. I also serve as the Treasurer of the Great Plains Tribal Chairmen's Health Board as well as the Great Plains representative on the Centers for Disease Control Tribal Advisory Committee.

As a proud and resilient treaty tribe with high unemployment and very little private income, we have suffered greatly from recent budget decisions. While this Subcommittee has worked hard to provide increases in the actual number of dollars provided to the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) over the past few years, and we greatly appreciate those efforts, I want to make clear for the record that most of those increases have done nothing more than cover a portion of the actual increases in costs that our programs have encountered. The Administration consistently hides this fact by including statements such as "this is X amount above the current FY 2016 level" in its budget justification. But, what it leaves out is the second part of the sentence which is "and it is going to cost the Tribes Y amount over the current FY 2016 level to do the same thing."

We see this misleading approach throughout the BIA and IHS proposed budgets. Take for example, the Hospital and Clinics Budget of IHS. In its budget justification IHS says that it is increasing Hospital and Clinics funding by \$122.773 million. When you take that budget justification apart, however, you find that \$25.6 million of this is going to inflation, \$21.2 million is going to increased population, \$16 million is going to fund staffing at new facilities, \$9 million is going to new leases, and \$2 million is going to "quality improvements" which are largely directed at Winnebago, Rosebud, and Pine Ridge. Then another \$20 million is going to upgrade the IHS computer systems. That leaves an actual remaining nationwide increase of \$4 million for domestic violence work. So I ask you Sir- where are the increased services for patients?

I know that you have heard this before, but it merits repeating it for the record. We all teach our children that when they are faced with financial difficulties and they need to put themselves on a budget, they have to take a hard and honest look at what they are spending and "cut the fat." We at Yankton agree with this philosophy. What we also tell our children is to try not to cut back on necessary things that are already

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underfunded. Unfortunately, that is not the approach that sequestration took a few years ago. It is also not the approach that the budget committees are taking today, and it is not the approach that sequestration based funding threatens to use in the future.

As I noted just a few minutes ago, the BIA and IHS budgets are developed using a percentage higher or a percentage lower than the prior year base. That is why tribes, like Yankton, have never completely recovered from the impacts of the last sequestration cuts. We lost that base and we have never received it back.

While the Congress has been able to dodge sequestration these past few years, the budget targets that it is using all come from the targets laid out in that same Budget Reform Act. So, unless and until, the Congress comes up with a way to hit those spending targets without ignoring programs like ours that everyone agrees are already severely unfunded, nothing is going to change.

Another prime example of the misleading language in the IHS budget is its use of word "referred." Because we only have a small clinic on our reservation, every day our people receive "referrals" from IHS physicians to specialists, labs, and hospitals. They used to go to those referrals assuming that any costs incurred would be borne by the IHS. Unfortunately, that is no longer the case. At Yankton, we have an ever increasing number of tribal members who have received thousands of dollars in medical bills in the mail that they did not expect, and that they cannot pay. This has become so prevalent that we now have tribal members who are refusing to seek the referral care that is necessary to protect their health, and in some cases, even their life, because they fear the possibility of being bankrupted by unpaid medical expenses.

While I appreciate this Subcommittee's on-going efforts to increase the referral care budget over the past few years, I feel strongly that it is high time for two things to happen. First, that referred care budget has to be examined against the actual need in the Aberdeen Area, taking into account distance, our lack of quality hospitals, and the number of Indian people who require this service. Second, the IHS should be mandated to notify a patient in advance when it is not prepared to pay for a referral care visit and related costs. The IHS needs to acknowledge that unpaid medical bills can literally bankrupt a family, and our people have a right to make an informed decision about the care that they choose to seek.

This is especially true in the case of our veterans. A veteran may not initially want to drive 100 miles or wait three months to see a specialist, especially when the IHS is offering him a specialist which is only 30 miles away and an appointment in 48 hours. He might feel differently, however, if he knew that he was going to receive a \$20,000 bill for taking IHS up on its offer. Please, just direct the IHS to tell our people the truth when making the referrals.

Along those same lines, we are especially concerned about the referred care budget this year because of what is happening as a result of the Centers for Medicare & Medicaid Services (CMS) certification problems at Winnebago, Rosebud, and Pine Ridge. While we are extremely pleased that IHS is making an effort to help the members of those tribes by referring a sizable number of their patients out for private emergency rooms and private providers, we are, and have to be, concerned about how these decisions are going to impact the referred care budget for Yankton and the other tribes in the region. Simply put, no one has told us, or any of the tribes for that matter, where the additional funds are coming from to pay for these unanticipated and unbudgeted costs. In the Aberdeen Service Area all of the referred care funds

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come from a single pot of money. Thus, we are fearful that this new increase in demand is going to result in insufficient funds for everyone at the end of the year. We hope this is not true, but we worry. So, while we do not want to see our relatives at Winnebago, Rosebud, and Pine Ridge denied care, we do ask that this Subcommittee direct the IHS to explain to you and to us what the current referred care funding situation is in the Aberdeen Region.

Yankton was very pleased that the Senate Indian Affairs Committee chose to devote a full day to examining the problems with health care delivery in the Aberdeen Service Area. While we can understand why the CMS certification problems at Winnebago, Rosebud, and Pine Ridge took center stage at that hearing, we want to state for the record that things are not much better at Yankton and the other smaller, less visible tribes in our Region. As the Senate Indian Affairs Committee has finally started to realize, the Aberdeen Service Area has historically received a disproportionately low percentage of the IHS budget and this fact has to be corrected.

The BIA is also very capable of misleading the Tribes and the Congress. A prime example of this is seen in the BIA budget justification for HIP. This justification proudly boasts an “increase over the FY 2016 spending level” for this vital program. But, what that statement fails to note is that this increase, even if fully funded will still leave that program funding over 40% below the amount that we were receiving the year before sequestration.

Yankton has felt a very direct impact from the cuts in HIP. While we have a waiting list for homes that is growing every day, we now have a number of potentially usable homes with boards on the windows because we lack the HIP funds to make the required repairs. Many of the homes in the Aberdeen Area do not qualify for HUD assistance because of when they were originally built or how they were originally funded, but leaving them vacant makes no sense. Please think about this when you are deciding what to do with the HIP budget.

While HIP is just one very small example of underfunding, there are many more examples that we could provide to the Subcommittee. My colleagues from other tribal nations will, no doubt, highlight many of those for your today. Lastly, I do want to leave you with a staggering figure contained in a recent Region-Wide Underfunded Obligations Report – that data shows the Great Plains Region is underfunded by approximately \$248 million.

I could point out any number of specific discrepancies between what the IHS and BIA say that they are doing, but I will simply close by asking you to do two things: read their justifications carefully and think about what they are actually saying, it is all there, you just need to subtract from the increase the things that are required to maintain the status quo for tribes like Yankton; and continue to fight as hard as you can to provide us with a level of funding that has a reasonable relationship to our actual needs.

Thank you for the opportunity to appear here today. I will be happy to answer any questions you might have.

Mr. COLE. Thank you very much.  
And if we can, Councilman Spotted Bear, we will go to you next.

FRIDAY, MARCH 18, 2016.

**MANDAN, HIDATSA, AND ARIKARA NATION (MHA)**

**WITNESS**

**CORY SPOTTED BEAR, COUNCILMAN, MANDAN, HIDATSA, AND ARIKARA NATION**

Mr. SPOTTED BEAR. Okay. Good morning, Mr. Chairman——

Mr. COLE. Good morning.

Mr. SPOTTED BEAR [continuing]. And committee members. My name is Cory Spotted Bear, and I am a member of the Tribal Business Council of the Mandan, Hidatsa, and Arikara Nation. I am here today representing our chairman, Mark Fox, and the great people of the MHA Nation. I would like to thank you for this opportunity.

I would like to focus on three priorities of the MHA Nation: energy, irrigation, and taxation. And I will try to get to all three of those.

Our Fort Berthold Reservation sits in the middle of the Bakken oil formation. We are still the second highest oil producing area in the United States. Even with declining oil prices in 2015, production on our reservation increased to 74 million barrels of oil and 78 billion cubic feet of gas. Managing this development and protecting our reservation is our top priority. Right now, the best chance we have for getting BIA the staff, expertise, and resources it needs to manage Indian energy development is to support the BIA's Indian Energy Service Center. The service center will be centrally located in Denver, Colorado. The center will bring together most of the agencies involved in Indian energy development and will recruit skilled staff to help improve energy permitting at the local BIA agency offices.

In fiscal year 2016, the subcommittee provided \$4.5 million in funding to establish the service center. We greatly appreciate the subcommittee's support. Since this funding was provided, BIA has been making plans for establishing the service center, hiring staff and assigning jobs. Energy-producing tribes meet regularly with the BIA to plan for the new service center.

Unfortunately, BIA did not request additional funds for fiscal year 2017 to get the service center up and running. We ask the subcommittee provide the funding needed. The service center will need about \$13 million over the next 2 years. The success or failure of the service center depends on its ability to hire enough staff to meet demand. BIA has gone without energy staff for too long. It is time to provide the resources needed to promote and support Indian energy development.

The benefits from Indian energy development far outweigh the benefits of energy development on Federal public lands. Energy development in Indian Country provides jobs, funds our government, supports tribal infrastructure, self-determination, and waves of economic development that benefit entire regions. Even with these far-reaching benefits, BIA's conventional energy budget is a tiny frac-

tion of BLM's conventional energy budget, about 3 percent, as you can see on the chart.

How can BIA support and promote Indian energy development on a \$5.9 million budget? It can't. And as you can see by the chart that we provided, BIA and Fish and Wildlife Service have about the same energy budget. This is unacceptable; \$13 million for the service center is nothing compared to the BLM's \$187 million conventional budget. We ask that you provide this funding so that we can work together to bring Indian energy development into the 21st century.

We also ask that you support a Fort Berthold irrigation project. This project was promised to us more than 60 years ago when our prime agricultural lands were flooded by the Garrison Dam reservoir as a part of the Pick-Sloan flood control program on the Missouri River and the hydroelectric electricity that it provides. The dam took more than 156,000 acres in the heart of our reservation. It flooded our best lands, hunting grounds, schools, hospitals, and roads. And if you talk to our elders about that, there is nothing more delicate than that situation: 90 percent of our members were forced to relocate to higher ground, where our old people used to say nothing grows.

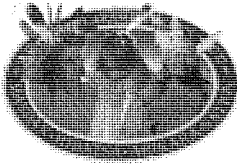
We were promised compensation and projects to make us whole again. One of those projects was an irrigation project that has never been built. Before the flood, we had a successful agricultural economy. Before the flood, our people did not suffer from diabetes like we do now. The flooding of our lands entirely changed our way of life.

We are here today to ask humbly the subcommittee to make good on that promise and provide the funding for a Fort Berthold irrigation project. Our engineers have done a feasibility study and found that the project will increase the diversity of crops, our yields per acre, and our return on investment. The project will cost about \$60 million. We ask that you work with your colleagues on the Appropriations Committee to direct \$60 million from the Western Area Power Administration hydropower revenues for this project. Our lands were flooded to generate the hydropower that they sell. This hydropower should pay for the irrigation project we were all promised.

And as I conclude, I would like to say a word about State taxation of Indian energy resources. To help address the shortage of BIA energy staff and funding, Congress should support eliminating dual taxation of our resources by the States. In the past 8 years, North Dakota has taken about \$1 billion in taxes from the development of our energy resources, yet very little of this comes back to our reservation. Without the full value of our resources and the tax revenues that every other government relies on, our government cannot achieve self-determination, and we remain increasingly dependent upon Federal appropriations.

Thank you for the opportunity to testify today.

[The statement of Mr. Spotted Bear follows:]



## MANDAN, HIDATSA & ARIKARA NATION

Three Affiliated Tribes \* Fort Berthold Indian Reservation

Mark N. Fox  
Office of the Chairman

### U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies Testimony on American Indian/Alaska Native Programs

March 18, 2016

Good morning Mr. Chairman and Members of the Subcommittee. Thank you for the opportunity to testify on the appropriations priorities for the Mandan Hidatsa and Arikara Nation (MHA Nation).

#### **Full Funding Needed for BIA's Indian Energy Service Center**

The MHA Nation and our Fort Berthold Reservation sit in the middle of the Bakken Formation—the largest continuous oil deposit in the lower 48 states. As you know, oil production in the Bakken Formation thrust North Dakota to the forefront as the second highest producing state in the Nation. Even with low oil prices production on the Fort Berthold Reservation remains high. In 2015, production on the Fort Berthold Reservation increased to 74 million barrels of oil and 78 billion cubic feet of gas. Staying on top of and even getting ahead of the oil and gas activity on our Reservation remains a top priority of the MHA Nation.

Since former Senator Dorgan worked to create a one-stop shop to improve oil and gas permitting at Fort Berthold in 2008, the MHA Nation has been working closely with Congress and the Administration to build the staff and expertise we need at Fort Berthold and across Indian Country to bring Indian energy development into the 21st Century. We take an active role in the management and development of our energy resources, but BIA, BLM and other federal agencies have a role as well, and our degree of success depends on the BIA having the resources, staff and expertise to keep up with the demands of the energy industry and its trust responsibilities to the MHA Nation.

The Fort Berthold one-stop shop improved energy permitting on our Reservation, but could never overcome a shortage of BIA staffing and expertise. Working with the Administration we hope to move past those issues by creating an Indian Energy Service Center in Denver, Colorado that will support permitting at local BIA Agency Offices. In Denver, the Service Center will be able to rely on existing federal employees and recruit talented staff.

For FY 2016, this Subcommittee approved the Administration's \$4.5 million funding request to establish the Indian Energy Service Center. The MHA Nation and other energy producing tribes strongly supported this funding. Since the funding was provided, BIA has begun developing plans for establishing the Service Center, hiring staff and assigning responsibilities. Energy producing tribes have been meeting regularly with BIA to discuss and plan for the establishment of the Service Center.

Given the strong support for the Service Center, we were very disturbed to learn that BIA did not request the second phase of funding needed to hire remaining staff and complete the initial set up. The establishment and implementation of the Service Center will require a multi-year funding effort. The success or failure of the Service Center will rest squarely on its ability to hire the full complement of staff laid out in its operating plan and on its ability to fund the efforts of those staff.

The MHA Nation respectfully requests that the Subcommittee provide the funding needed complete this important effort and to support Indian energy development throughout Indian Country. Despite the tremendous benefits from Indian energy development, BIA's energy budget is a tiny fraction of the budget provided to the Bureau of Land Management (BLM) for energy development on federal public lands. In the President's FY 2017 request, BIA's conventional energy budget of \$5.9 million is only 3% of the amount requested for BLM. BIA and Fish and Wildlife Service have almost the same energy budget, and BIA's renewable energy budget, which is far less permit intensive, is almost twice this amount at \$9 million.

This is unacceptable! The benefits from Indian energy development far outweigh the benefits of energy development on federal public lands. Energy development in Indian Country provides badly needed jobs and government revenues, supports development of tribal infrastructure, and provides waves of economic development that benefit Indians and non-Indians alike. Not to mention the Federal government's trust responsibility to oversee and provide for the development of these resources.

The decision to limit BIA's energy funding has consequences that affect every level of tribal governance including our ability to exercise self-determination. Because of BIA's inadequate staffing and limited resources, the MHA Nation lost tens of millions of dollars in royalties from oil and gas wells that were not approved during the heart of the boom when oil prices were over \$100 a barrel. Action is needed to build up the staff and expertise needed to oversee the tremendous oil and gas activity on our Fort Berthold Reservation and many reservations across the Nation.

We respectfully request that you fully fund the next two years of work at the Service Center by providing \$13 million in FY 2017. Forward thinking funding is needed to cover the efforts of BIA's Service Center in the near term and future hiring and planning. As you know, it can take the BIA six months to hire new personnel after receiving funding. Providing forward thinking funding will allow BIA to plan for the future and provide the stable funding needed to establish and begin implementing a new office. In this economy, the energy industry on our Reservation needs to know that the services provided by the Federal government will be stable and predictable. Providing forward thinking funding will provide the stability we all need.

#### **Promises to Fund a Fort Berthold Irrigation Project are Long Overdue**

Your support is also needed for a Fort Berthold Reservation Irrigation Project that was promised to the MHA Nation more than 60 years ago when much of our reservation was flooded as a part of the construction of the Garrison Dam and Reservoir. Prior to that flood, the MHA Nation had a long established agriculture based economy that was lost when the Tribe was

steam-rolled into signing away our prime river bottom lands to make way for the Garrison Dam. Other sites were available, but the site that would flood the most Indian lands and have the least impact on non-Indian towns was selected.

The Garrison Dam construction flooded more than 156,000 acres, the heart of our Reservation. It destroyed 84 percent of our roads network, more than 400 homes, our Hospital, schools and churches. In fact, a full 90 percent of our tribal membership was forced to relocate to higher, less hospitable semi-arid ground.

The compensation that the Tribe received was far too little to make up for what was lost and it was clearly not adequate to compensate the Tribe for the many monetary and non-monetary benefits the federal government has obtained. Projects, which were designed to make the MHA Nation whole, were promised but not fulfilled. One of those unfulfilled promises was the installation of a federally funded irrigation project designed to rebuild our once thriving agricultural economy.

We are here today to ask this Subcommittee to live up to that commitment by providing the funding for a Fort Berthold Irrigation Project. The engineering firm of Bartlett and West, has performed a feasibility study on our proposal and has determined that the construction of this system will increase the diversity of crops that can be grown on our tribal lands, increase our yield per acre, and increase the profits that we can generate from these parcels. Bartlett and West also found that in North Dakota: "(1) Irrigated agriculture produces a household income advantage of approximately 1600% over non-irrigated agriculture; (2) Irrigated agriculture results in an 800% business sector advantage over non-irrigated agriculture; (3) Irrigated farming (on average) realizes an annual income increase of over \$500 per acre to the general area; and (4) In general, irrigated agriculture stabilizes area crop yields, taking this variable out of the farming equation."

A Fort Berthold Irrigation Project will generate new jobs, both during and after construction, and it will make more effective use of our natural resources. Since the Tribe was forced to give up its land for the Garrison Dam and Reservoir, we believe it is only fair that Congress direct \$60 million of Western Area Power Administration's (WAPA) revenues from the sale of hydropower generated by the Garrison Dam. We have waited over 68 years for the Federal Government to live up to its commitment to restore our agricultural economy, and we believe that 68 years is long enough.

#### **State Taxation of Indian Trust Energy Resources Must End**

To help address the lack of appropriations for Indian energy development, the MHA Nations asks the Subcommittee to support elimination of intrusive state taxation of tribal energy and economic development on Indian trust land. Our trust resources and economic development on our reservations are not meant to benefit state governments. The intrusion of state taxation prevents development of our resources and takes the very tax revenues that we need to provide for our communities, support economic growth and develop our infrastructure.

**Testimony of the MHA Nation  
House Subcommittee on Interior Appropriations**

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In North Dakota, the State is approaching \$1 billion in taxes from energy development on Indian trust lands, but spends very little which benefits our Indian communities. In the next five years, the State will take another \$1 billion more in taxes from our tribal trust resources. The State takes these taxes based on a wrongly decided Supreme Court case from a bygone era of federal Indian law allowing state dual taxation. This case forced the MHA Nation into a Tax Agreement with the State and provided the State a majority of the tax revenues from energy development on our Reservation.

There is no comparison between the revenue the State gets from our trust resources and the amount the State spends on projects on the Reservation. The State has never reported its on-reservation expenditures and the reasons are obvious. Consider for example the fact that in 2011 the State took about \$82 million in taxes from our trust resources, but spent less than \$2 million on state roads on the Reservation and \$0 on tribal and BIA roads. Meanwhile, the MHA Nation bears the cost of spills, increased waste, law enforcement, and regulating activity to protect our members and homelands. I ask you, is that fair?

At the current level of federal appropriations, we cannot fund government oversight of oil and gas development on our Reservation. To do that, we need the same tax revenues that every other government relies on. Oil and gas development has brought a multitude of new problems: drugs, human trafficking, fires, traffic accidents and child abuse. Revenues are needed to combat all of these things, and the State is not using the money it is generating to help out.

The current system is also seriously unfair to the American Tax Payer who paid for the federal roads and bridges that energy development is destroying, and the ambulances and school busses that are being damaged. It is also the American Taxpayer who is currently being asked to fund the tribal courts that are being overloaded, the drug enforcement that is now required and the law enforcement officers who are forced to work overtime.

The MHA Nation asks that members of the Subcommittee seek amendments to the Indian mineral leasing laws to make clear its intention to provide tribes with the full value of our energy resources. This proposal has broad support. In June 2015, the General Accountability Office recognized state dual taxation as hindering Indian energy development. In 2013, Former Interior Secretary Salazar sent a letter criticizing the windfall North Dakota is getting from trust minerals. Also in 2013, the producers on our Reservation sent a letter asking that the MHA Nation receive the taxes we deserve.

As Congress seeks to increase tribal self-determination over energy resources, Congress must also prevent state dual taxation of our resources. Without the full value of our resources and the tax revenues that every other government relies on, tribes cannot achieve self-determination and we will remain increasingly dependent upon federal appropriations.

Thank you for the opportunity to testify. The MHA Nation is ready to work with the Subcommittee in support of these requests.

Mr. COLE. Thank you.

And I want to start actually with what you had to say, because I think you raised a very good point. I have seen this again and again in Indian Country, where States take a lot of money on taxing mineral resources, and they build no roads. They don't fund the local schools. They don't have the obligations on an Indian reservation that they have on nonreservation land, and they don't put the resources there.

Mr. SPOTTED BEAR. Right.

Mr. COLE. And I don't know what the legality of that is. I know if it were gaming revenue, there is a compacting arrangement, and the State gets something, but it is something you work out.

In a case like this, I know there have been discussions between the tribe and the State before. And they have just simply not been responsive to somehow sharing the wealth that, frankly, is on your land and that you generated.

Mr. SPOTTED BEAR. Right. Mr. Chairman, you know, when our tribe decided to mine this resource, it was with the idea to raise our standard of living. Everybody in here this morning you heard talked about substandard living conditions, but with having to share one-half of our taxes, we are only trying to stay afloat and keep up with the negative effects of an oil boom. We can't raise our standard of living. We have \$128 million roads budget, but we can only afford to appropriate \$20 million a year, a huge shortfall.

Mr. COLE. Yeah. Again, I don't know what the situation is in North Dakota, and it is not for me to judge, but I know, in Oklahoma, we had, not the same sort of situation, but we can have trust land all over most of the State. We don't have reservations anymore, but the federal government we can put land in a trust within historically reservation lands. And we had the ability not to charge State taxes on gasoline. And we sat down with the State and negotiated an arrangement where some of the tax dollars, if we agreed to charge it, would have to flow back to tribal treasuries, where they could use it for tribal road construction. We limited it to governmental purposes like health care, education, or some sort of infrastructure program. It couldn't go back and be distributed.

Is that a practical thing or has that been attempted in North Carolina, where revenue off of energy is concerned?

Mr. SPOTTED BEAR. North Dakota?

Mr. COLE. North Dakota. I am sorry.

Mr. SPOTTED BEAR. If I can, can I refer—I know you—

Mr. COLE. Certainly.

Mr. SPOTTED BEAR [continuing]. Are speaking to me—

Mr. COLE. Yes.

Mr. SPOTTED BEAR. But can I refer to my colleague?

Mr. WILSON. Thank you, Councilman Spotted Bear. Mr. Chairman—

Mr. COLE. Just identify yourself quickly so the stenographer—

Mr. WILSON. My name is Rollie Wilson. I am an attorney for the Mandan, Hidatsa, and Arikara Nation. Thank you, members of the committee.

Just real briefly, there is a Supreme Court opinion from the 1980s based on an old 1938 Indian Mineral Leasing Act in which the Supreme Court found that Congress had not fully reserved all

of the benefits from mineral resources for Indian Country, and so the Supreme Court did their balancing and found that the Congress hadn't closed the door on it, and so States could tax energy resources developed on Indian lands, energy trust resources. And that has forced tribes like the Mandan, Hidatsa, and Arikara Nation—

Mr. COLE. Thank you.

Mr. WILSON. That has forced tribes like the Mandan, Hidatsa, and Arikara Nation into tax agreements with the States. The States, they don't have to negotiate, because the law, the Supreme Court opinion benefits them, and so, in this case, the tribe has ended up giving a majority of its revenues to the State, who just recently unilaterally broke that agreement by lowering the tax rate as the price of oil has gone down, and they are trying to continue to develop oil, which has an impact on the Mandan, Hidatsa, and Arikara Nation's budget.

Mr. SPOTTED BEAR. And that is the Cotton Petroleum court case.

Mr. WILSON. Yes. Thank you.

Mr. COLE. Thank you. That is the question I had.

I will defer to my friend from Minnesota for any questions she has.

Ms. MCCOLLUM. Well, thank you very much. And to my neighbors to the west, I have had the opportunity to be in North Dakota and South Dakota quite a bit, particularly on some of the reservations. You have my full attention, as always, and I will add my voice to the representation that you have, because you have just one Representative in the House apiece. We work together as a five-State area, and you have my commitment to address the things that you have shared with us. I think it is especially important to consider what you shared about Yankton. We hear the bigger reservations have their challenges, but when you start looking at formula distributions, as you point out in your testimony, that sometimes leaves just crumbs for some of the smaller reservations. We have to reconsider that and reprioritize things moving forward. Thank you for traveling. Thank you for your testimony.

Mr. SPOTTED BEAR. Thank you.

Mr. COLE. Thank all of you for being here. We appreciate it, appreciate both your verbal and written testimony.

If we can, we will move next to President Steele, President Carlson, and Chairwoman Jones.

Welcome. It is great to have all of you here. Again, thank you for traveling such a long way to share your concerns and to educate us about your conditions.

If we could, we will start, President Steele, with you and then we will work down, and then we will be ready for questions.

President Steele.

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FRIDAY, MARCH 18, 2016.

## OGLALA SIOUX TRIBE

### WITNESS

JOHN YELLOW BIRD STEELE, PRESIDENT, OGLALA SIOUX TRIBE

Mr. STEELE. Thank you, Congressman Cole.

First, I would like to thank yourself, Congressman Cole, and Congresswoman McCollum for visiting the Great Plains in past years to understand firsthand our conditions out there so that you could help. And I want to thank you for sending your staff people here just recently, Mr. Darren Benjamin and Mr. Joe Carlile, to get an update on those conditions that our people are living in.

I would like to take time to thank you right now for your intervention in the Bureau of Indian Affairs' Bureau of Indian Education reorganization, which we disagree with. I personally say that I don't see where the BIE is addressing the GAO report from—when was that?—about a year and a half or 2 and a half years ago that says that they are teaching Native American children at the lowest level in the United States. And this was on CNN. It was in the New York Times. They have got all these statistics of the dropout rates, the reading levels, math levels, and I don't see them addressing in any form. And with this was restructuring, the conditions that you put on them, we agree very much with, and so thank you for that.

And I am the president of the Oglala Sioux Tribe and also the chairman of the Great Plains Tribal Chairmen's Association, the president, I gave testimony up here. So I have got their written testimony to review.

But I would like to address possibly four different areas: health care, law enforcement, suicide, and road maintenance.

And in our health care, I did hear that you are aware of CMS and the Winnebago, Rosebud, and also Pine Ridge is on the verge—we are on probation right now with them—but Senator Thune had the Indian Affairs Committee shake up his so hard, all the top people fell out, and even our service unit director, our area director, but the HHS has put some extra moneys down into Pine Ridge and Rosebud that we appreciate and more personnel. We got the conservation—I mean, what is it?—the civil service corps with their khaki uniforms on down there now, and we are expecting to get better health care.

We, Congressman Cole and Congresswoman McCollum, worked with the State, and it was a win-win situation if South Dakota went with the Medicaid expansion, but Medicaid did not come out with an interpretation of the law. Too late. The South Dakota legislature ran out of legislating days, so we didn't get it through there. But we are going to continue to work with them, because Medicaid did come out on, I believe it was February 26, with an interpretation that they give 100-percent funding to off-reservation facilities that Indian Health Service has a contract with.

Now, we don't know how we are going to implement this. We are going to work with the State, because it has to do with the State Medicaid plan also, and I have got a good relationship with Governor Dugaard, to see how we can implement this to supplement Indian Health Service and better health care for that individual.

I see up in North Dakota, where they did go with Medicaid expansion, that this gave Indian Health Service more referred healthcare dollars, because Medicaid was picking up 100 percent of those eligible Medicaid participants. And so they used to have a priority like us of only priority one being sent out, which was life

or limb, and now I understand North Dakota as priority ones, twos, threes and, fours that they can send out. And so I have got some expectations here. And we met with Indian Health Service earlier this week to work with us and to work with the State of South Dakota, who I very much appreciate working with, but still we want to affect where our life expectancy is 50 years at Pine Ridge whereas the rest of America, it is 80 years. And so I would like to affect that.

We have got the Mni Wiconi water project that is going to give our people a healthier life in the future. Our water is very contaminated with radiation, arsenic, and nitrates, that we are expecting a healthier person in the future, be less costly to the United States Government, because we have a treaty obligation.

You did ask Chairman Flying Hawk why we didn't go what we call self-governance or doing healthcare stuff. Now, the Oglalas, we probably would make it. The his and BIA divided their services and their offices up into what they call tribal shares. The Oglalas, we take about a third of that area office. And what would we leave Yankton, Mr. Flying Hawk? Lower Brule, Crow Creek, Flandreau, Winnebagos, Omahas, I don't know if they would be able to make it without the Oglala shares being there to help them.

And so if we are going to go in that direction, there are two things I want to watch. Right now, we have a treaty with this United States Government, and that treaty health care is so vital to us. I do not want any individual in these United States to take us to court in the future saying we voluntarily gave up that treaty right by going self-governance and taking that responsibility to ourselves. And so that is one of the things I would like to protect there. I know self-governance is that—I mean, trust, responsibility, but to me that is not like a treaty obligation.

[The statement of Mr. Steele follows:]

**Oral Testimony of John Yellow Bird Steele  
President of the Oglala Sioux Tribe  
and Chairman of the Great Plains Tribal Chairman's Association**

**“American Indian and Alaska Native Public Witness Hearings on the Fiscal Year 2017”  
House Appropriations Subcommittee on Interior, Environment, and Related Agencies**

**March 18, 2016**

Mr. Chairman and Members of the Subcommittee. My name is John Yellow Bird Steele, and I serve as President of the Oglala Sioux Tribe.

I thank the Subcommittee for holding these important hearings and am grateful for the opportunity to testify before you today. Our Tribe, thanks you for your dedicated work, we still, however, have serious concerns regarding the chronic underfunding of Indian Country and the detrimental effects it has on our communities' economic, social, and cultural well-being.

My remarks will focus on four key funding priorities that our Tribe has identified for FY 2017: (1) Indian health care; (2) law enforcement; (3) suicide prevention for Native youth; and (4) tribal road maintenance.

***Indian Health Care in the Great Plains***

Over the course of their lives, the average American can expect access to quality health care, reliable prescription services, and a life expectancy of almost 80 years. On the Pine Ridge Indian Reservation, however, the average American Indian faces a much different reality. The infant mortality rate is the highest in the country; obesity, diabetes, and heart disease occur in staggering proportions; and the average life expectancy is only 50 years – roughly equivalent with that of sub-Saharan Africa. Adding to the tragedy of this litany is the fact that this crisis is not new—the lack of adequate health care has been a pressing challenge for generations in Indian Country.

As you are aware, the Senate Committee on Indian Affairs' held a recent oversight hearing on the substandard quality of Indian health care in the Great Plains. We are thankful for the Committee's work in shining a light on the health care crisis facing our people. However, we are growing increasingly alarmed at the severity of this crisis as it continues to unfold.

Several Great Plains' IHS hospitals have lost, or are threatened with loss, of CMS certification due to substandard quality of care. On the Rosebud Reservation, in the six weeks since the Tribe's IHS hospital went on diversion status, five individuals have died and two babies have been born in ambulances in transit to the nearest hospitals, which are 44 and 55 miles away. Meanwhile, the non-Indian hospitals to which Rosebud residents are diverted are overwhelmed—the emergency room at one of these hospitals has reported a 67% spike in patients.

The crisis deepened last week, when CMS sent a Termination Notice to the Rosebud IHS informing it that its Medicare provider agreement – and therefore also its Medicaid agreement – would be terminated unless the deficiencies are addressed by April 29, 2016. The Notice was based on a February revisit survey that found ongoing non-compliance with seven different Medicare conditions of participation.

The Omaha-Winnebago IHS hospital has already had its Medicare provider agreement terminated, and our Tribe's Pine Ridge IHS hospital has been threatened with a similar fate. Our Tribe, along with the GPTCA, stands with those in the Great Plains in demanding that this crisis be resolved in a responsive and responsible manner as soon as possible.

We therefore request that Congress provide \$6.2 billion for the Indian Health Service in FY 2017. We thank you for past increases, however, this appropriation would address the funding disparities that currently exist between IHS and other federal health programs, and it would ensure that American Indians receive access to quality health care that is on par with that enjoyed by their fellow countrymen. Your action on this request will be the literal difference between life and death for countless Americans.

### ***Law Enforcement and the Meth Epidemic in Indian Country***

The severe underfunding of tribal public safety programs has been a chronic problem on the congressional radar since at least the 1980s. Decades later, in 2016, the Great Plains Region is experiencing unprecedented violent criminal activity and recent upsurges in both drug trafficking and human trafficking. The Region is also facing a crisis level drug epidemic, in particular relating to methamphetamine and heroin use, which has overtaken tribal lands and put a direct strain on tribal law enforcement. Methamphetamine, or “meth,” has been cited as one of the top threats to tribal communities because of its demonstrated link to dramatic increases in violent crime, suicide, and child neglect.

Unfortunately, Pine Ridge Indian Reservation does not have the security infrastructure to stem this steady rise in crime. Due to financial constraints, we are currently operating without even the bare minimum number of patrol officers that are needed to effectively serve our community. Officers can travel over 500 miles per each 8 hour shift; all officers travel alone and, if they must rely on backup in critical situations, it is not unusual for this backup to come from more than an hour away. Because of chronic understaffing – and unreliable tribal road maintenance – response time to urgent calls is deplorable. Our limited number of officers are simply unable to serve our Reservation's entire 2.8 million acres without additional support.

Our officers are exhausted and morale is at an all-time low. The inability to guarantee the safety of all our tribal members has created a situation in which inter-generational cycles of trauma are continued as children grow-up exposed to substance abuse, domestic violence, and physical and sexual abuse. The increasingly pervasive nature of crime on our tribal lands is causing destructive impacts on the very core of our social and cultural identities.

We need adequate funding and staff to deter drug trafficking and to process cases and sentence criminals. This has to include funding for an effective court systems comprised of court personnel, public defenders, and parole and probation services. Our Kyle Justice Center has been at the top of BIA's construction priority for over 15 years. This short-term holding facility, court, and 911 call center is desperately needed but remains only 80% completed. Like so much of Indian Country programming, additional resources are needed to close the funding gap and ensure that our communities receive adequate law enforcement protection.

We, therefore, request that Congress provide an additional \$200 million in appropriations for BIA law enforcement, including an increase in funds for officer training, tribal court personnel, and the construction and maintenance of tribal detention facilities. We also request an additional \$85.3 million for IHS alcohol and substance abuse treatment programs. Together, these two funding priorities will empower our Tribe in our efforts to protect our communities and address the myriad problems that accompany drug trafficking and other criminal behavior.

### ***Suicide Prevention Programs for Native Youth***

Suicide is the second leading cause of death for Native youth aged 15-24 years old. Native youth attempt suicide at rates 3-10 times that of the national average, depending on the reservation. As shocking as these statistics are, the numbers may be even worse. According to a CDC study, suicide rates for American Indian and Alaska Native youth may be underreported by as much as 30%. Poverty, unemployment, inadequate health care, and substance abuse are just the first layer of factors affecting the mental and emotional well-being of our youth. Underlying psychological and spiritual issues of social despair, cultural loss, and historical trauma affect our communities as a whole.

No corner of Indian Country is unscathed: from the Navajo Nation in the Southwest to the Ojibwe Tribes of the Great Lakes, the loss of our youth has left a deep chasm in the hearts of our communities. Our Tribe recently saw nine young people take their own lives and more than 100 others attempt suicide in the span of just 2 ½ months. Ten more young people took their lives over the eight months that followed. A single suicide has the power to tear a family and a community apart. Our Tribe's unprecedented crisis will affect us for generations.

To save our current generation, we need to address this issue from all sides. We need to provide our youth with the support they need to live full and meaningful lives. This means that adequate funding must be provided to support on-reservation mental and behavioral health services, substance abuse intervention, and PSAs to confront social forces like bullying and abuse. Moreover, long-term epidemiological studies need to be funded to analyze the underlying psychological and historical trauma that have lead our communities to this point of crisis.

We therefore request an additional \$70.4 million in appropriations for IHS and tribal programs focused on the provision of mental health services. This increase will help ensure that on-reservation mental health services receive the funding they need to support culturally

appropriate and responsive suicide prevention programs for Native youth. Furthermore, on the Pine Ridge Reservation we need adequate funding for programs that will spur job creation and economic development. We need to provide our youth with opportunities and hope for their futures. Their lives, and the continued longevity of our Tribe, depend on it.

### ***Construction and Maintenance of Adequate Roads***

The Pine Ridge Indian Reservation, home to the Oglala Sioux Tribe, covers nearly 2.8 million acres of rugged landscape and rolling hills. It is an area roughly the size of Connecticut. Our Tribe has a population of over 45,000 people – or 9 people per square mile. Adequate and well-maintained roads are, therefore, critical to connecting our rural population with essential programs and services in Pidge Ridge and nearby urban centers. However, where Connecticut has a transportation network of over 20,998 miles of road, our Reservation has only 1900. Needless to say, that number is woefully inadequate to meet the needs of our tribal members.

Current funding for the BIA Road Maintenance program has been level-funded at around \$26 million for several fiscal year cycles, despite the accumulation of over \$289 million in backlogged needs. Moreover, snow and ice control can consume an entire annual budget during a single, severe winter storm – a crushing reality that our Tribe must face almost every year. Across Indian Country, inadequate levels of funding are pushing tribes to the financial brink, particularly in the Great Plains Region, which encompasses 16 tribes but receives only \$3.5 million to cover the costs of maintaining 2,103 miles of BIA roads and 81 bridges. Funding is so tight that routine bridge maintenance is not being performed until it reaches a state of emergency. Unfortunately for Indian Country, we reached that state decades ago.

Inadequate road maintenance detrimentally affects the health and welfare of our Tribe. Our children miss school due to impassable bus routes; our elders pass away due to delayed transportation to medical centers; and calls for help go unanswered due to the inaccessibility of our roads for law enforcement, ambulances, and fire trucks. Roads are not just a means of getting from Point A to Point B – they connect our people to safety; our children to their future; and our Tribe to its community.

At the current level of funding, it would take more than a decade just to clear the backlog of road maintenance requests for our Tribe. We therefore request that the United States fully fund road maintenance and not rely on tribes' road construction funds to perform this essential service. Funding for the BIA Road Maintenance program needs to be increased by at least \$40 million for fiscal year 2017 in order to begin to address the most pressing road maintenance needs in Indian Country.

### ***Conclusion***

Thank you for the opportunity to testify. The Oglala Sioux Tribe looks forward to working with you on addressing the needs of the Pine Ridge Indian Reservation and the Great Plains Region.

Mr. COLE. Well, we will have this dialogue when we get through with the testimony, because I remember us having a discussion very similar to this—

Mr. STEELE. Yes, sir.

Mr. COLE [continuing]. When I was at Pine Ridge, and I certainly respect your point of view on this.

Mr. STEELE. I would like to do it uniquely, sir, because tribes are talking about taking the health care and dealing with Avera or Sanford or somebody like that, but I would like to do it in the way where we all do it together.

Mr. COLE. Let's hold the discussion, because—

Mr. STEELE. Yes, sir.

Mr. COLE [continuing]. I want to give the other folks an opportunity to present their testimony as well, but we will return to this.

President Carlson, you are next up. You are recognized.

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FRIDAY, MARCH 18, 2016.

## **INTERTRIBAL BUFFALO COUNCIL**

### **WITNESS**

#### **ERVIN CARLSON, PRESIDENT, INTERTRIBAL BUFFALO COUNCIL**

Mr. CARLSON. Good morning. Thank you, Mr. Chairman and honorable committee members, for this opportunity to provide testimony on behalf of the Intertribal Buffalo Council. I am Ervin Carlson, a member of the Blackfeet Tribe in Montana and president of the Intertribal Buffalo Council, an organization of 60 tribes organized to restore buffalo to tribal lands.

Historically, buffalo were critical to the survival of American Indians. Tribal reliance on buffalo created a long, strong spiritual and cultural connection that was nearly destroyed with the mid-1800 senseless slaughter of the buffalo. This slaughter was a major part of the tragic history of the American Indian.

Today tribes strive to restore buffalo to Indian lands to restore the spiritual and cultural connection, to reintroduce buffalo into the diets of tribal people, and to allow tribes that so desire an opportunity to utilize buffalo for economic efforts. Most importantly, buffalo restoration signifies a healing of historical trauma.

The United States has provided ITBC funding since 1992, when the organization had a dozen member tribes, initially through earmarks and, most recently, through administrative action. Currently, the 60 member tribes of ITBC manage 52 herds, but the funding level for tribal herd development grants has remained stagnant since 2007. Our membership grows every year.

ITBC is requesting an increase in funding for herd development grants from the current \$1 million to a total of \$3.5 million. ITBC collectively manages approximately 20,000 buffalo on tribal lands. The current level of funding falls extremely short of tribal needs to sustain restored herds. A total of \$3.5 million for herd development grants to tribes will create jobs, allow additional restoration efforts, and adequately maintain existing herds. This increase will provide all ITBC member tribes approximately \$65,000 each, which will enhance the growing tribal buffalo industry and allow eco-

conomic development. And the \$65,000 is even just far below, you know, what tribes actually need.

ITBC has long-term partnerships with the National Park Service and the Fish and Wildlife Service on buffalo management efforts that include population management. ITBC accepts surplus buffalo from national parks for distribution to tribes and also has agreed to accept captured buffalo from the Yellowstone Park for harvest and processing. ITBC has provided these services on very limited funding, and further, calls for ITBC participation in buffalo management work groups has been costly but is critical to ensure a native voice in bison management efforts.

Total funding in the amount of \$500,000 for ITBC administrative efforts will allow ITBC to administer ITBC programs and to be an effective partner with Federal agencies.

Also, ITBC is requesting \$3 million to conduct research to provide scientific evidence of the benefits of buffalo meat for tribal people. ITBC strives to restore buffalo into the diets of native people for nutrition and disease prevention. It was talked about earlier here, a lot of the talk about our health service and our health needs, and diabetes is a big—is rampant out in Indian Country, and with the consumption of buffalo meat, that is what we strive for with the health initiative, is to getting our people back to eating buffalo, and it also helps out with the disease that is there rampant in Indian Country. However, without scientific evidence of buffalo consumption benefits for tribal people, ITBC has been unable to partner with healthcare providers. They always want the scientific proof. We as Indian people just have that proof, you know, but when you are out working with them and on that side, they always want the scientific proof.

A summary of our current initiatives, and we have a lot of ongoing initiatives that include technical assistance to tribes, education and outreach to various audiences on buffalo restoration, conservation, and the historical cultural relationship between buffalo and tribes; participating with Federal and State working groups organized to address buffalo issues; creating marketing opportunities for member tribes, and that is what our economics helps out there; providing buffalo to school lunch programs to introduce buffalo to our tribal children, and that is getting our children back at a young age of getting on the right path to eating a healthy meat, you know, and also preventing for those diseases from that also.

American Indians have long fought to protect traditional food sources. Northwest and Midwest tribes have secured access to fish, northern Natives have secured access to whales. It is time to assist those tribes that relied on buffalo the same opportunity to access and to consume their traditional food source.

With that, I thank you for your consideration of ITBC's funding request. And an increase in funding will demonstrate congressional support and respect for this national icon that is so significant to the tribal people. Thank you.

[The statement of Mr. Carlson follows:]

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
Presented by: Ervin Carlson, President  
Inter Tribal Buffalo Council  
Fiscal Year 2017  
March 18, 2016

**INTRODUCTION AND BACKGROUND**

My name is Ervin Carlson and I am a member of the Blackfeet Nation in Montana and serve as the President of the Inter Tribal Buffalo Council (ITBC). Please accept my sincere appreciation for this opportunity to submit written testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies. ITBC was granted a federal charter in 2009 pursuant to Section 17 of the Indian Reorganization Act and is comprised of sixty (60) federally recognized Indian Tribes in nineteen (19) states with headquarter offices in Rapid City, South Dakota. The Cherokee Nation of Oklahoma and the Ruby Tribe of Alaska are the two newest members of ITBC.

American Indians have a long-standing connection with the buffalo. Historically, buffalo provided the Tribes with food, shelter, clothing and essential tools for survival. Indians have maintained a strong spiritual and cultural connection with the buffalo that has not diminished with the passage of time. ITBC Member Tribes strive to restore buffalo to Tribal lands for cultural, health and economic benefits for Tribal populations.

On behalf of the Member Tribes of ITBC, I am requesting an increase of \$5,600,000 to our current \$1,400,000 FY2015 funding level for a total funding award for FY2016 of \$7,000,000 to allow the organization to: 1) increase funds for the Tribal herd development grant program, 2) to fund ITBC efforts to serve as a meaningful management partner to the National Park Service, and 3) to fund scientific research on the benefits of buffalo meat for Native populations for the prevention and treatment of diet related diseases. ITBC requests funding from the Department of Interior Bureau of Indian Affairs Fish and Wildlife Program and also from the National Park Service.

**FUNDING HISTORY**

ITBC has been funded through various methods including the President's budget, Congressional earmarks or administrative action since 1992. ITBC's approximate annual funding is listed below:

FY 1992 - 1993	\$ 400,000.00 Congressional Earmark
FY 1994 - 1999	\$ 650,000.00 President's Budget
FY 2000 - 2001	\$1,100,000.00 President's Budget; Congressional Earmark
FY 2002 - 2003	\$1,560,000.00 President's Budget; Congressional Earmark
FY 2004 - 2005	\$2,200,000.00 President's Budget; Congressional Earmark
FY 2006	\$4,100,000.00 President's Budget; Congressional Earmark
FY 2007	\$1,000,000.00 Administrative Action BIA
FY 2008	\$1,000,000.00 Congressional Earmark

FY 2009 - 2010	\$1,400,000.00 Congressional Earmark; Administrative Action BIA
FY 2011	\$1,750,000.00 President's Budget; Administrative Action BIA
FY 2012	\$1,400,000.00 President's Budget
FY 2013	\$1,600,000.00 President's Budget; Administrative Action BIA
FY 2014	\$1,400,000.00 President's Budget; Administrative Action BIA
FY 2015	\$1,450,000.00 President's Budget; Administrative Action BIA
FY 2016	\$1,400,000.00 President's Budget

The above funding history illustrates Congressional and Administrative support for ITBC and Tribal buffalo herds. Annual funding of ITBC provides evidence that buffalo restoration and management is not a limited or one-time "project" but a "recurring program" most recently funded from the Department of Interior Bureau of Indian Affairs Fish and Wildlife line item.

### **FUNDING INCREASE JUSTIFICATION**

- Increase in Herd Development Grant Funds

ITBC expends 100% of the appropriated funds on the development and management of Tribal buffalo herds. A significant portion of ITBC funding is distributed directly to ITBC Member Tribes via a Herd Development Grant program administered by ITBC. The herd development grant program commenced in 1992 with \$400,000 to assist the twelve member Tribes in the organization. In 2002, ITBC was awarded \$1,000,000 for Tribal herd development grants to support 25 Tribal herds. Since 2002, the herd development grant funding has been stagnant at \$1,000,000 despite the growth of the organization to the current sixty (60) member Tribes and 54 buffalo herds. In total, ITBC collectively manages over 20,000 buffalo which is more than all the buffalo currently managed by NPS in the National Parks. A \$2,500,000 increase for Tribal herd development grants will provide critically needed funding to protect and manage existing Tribal herds. This increase will provide a total of \$3,500,000 for distribution to Tribes in an average amount of \$65,000 per Tribal herd depending on specific needs. These funds will create jobs in Indian Country, create sustainable Tribal buffalo herds and allow Tribes to utilize buffalo for economic development.

- Funding for National Park Service and United States Fish and Wildlife Service Partnership

Since its inception, ITBC has partnered with the National Park Service (NPS) on buffalo management efforts including population management through roundups and distribution of buffalo to Tribes from the parks national refuges. ITBC has not been funded for these activities but has utilized minimal administrative funding to partner with the federal agencies. For example, ITBC has agreed to manage buffalo removed from Yellowstone Park for population control, transport the animals to processing facilities and distribute processed meat to Tribes despite very limited funding for these efforts. Additionally, ITBC is a member of the Interagency Bison Management Plan workgroup and has incurred significant costs to participate in all related activities to insure that Tribes are represented in buffalo management decisions. ITBC can continue these efforts and

develop and manage a quarantine program that will allow the transfer of live buffalo from the Yellowstone Park to Tribes through an increase of \$500,000 in annual funding.

- Health Related Research

ITBC has a long-term objective to prevent and treat diet related diseases in Native populations through the reintroduction of buffalo into daily diets. However, these efforts to coordinate with health care providers have been limited by the lack of scientific evidence of the health benefits of natural grass fed buffalo diets. ITBC believes research to develop concrete evidence of these health benefits will facilitate ITBC partnerships with health programs to prevent and treat diet related diseases in Native populations.

Additionally, sound research results will allow ITBC to develop a health education curriculum for healthy living with a component specifically focused on Native youth. Further, this critical research will support ITBC's efforts to provide buffalo meat to school lunch programs as a healthy alternative to other meat products.

Funding in the amount of \$3,000,000 will allow ITBC to pursue professional research objectives.

### **CURRENT ITBC INITIATIVES**

ITBC's primary objectives are to restore buffalo to Tribal lands, and to conserve and manage existing Tribal herds through the promotion of traditional buffalo handling practices and beliefs. ITBC strives to offer assistance and opportunities to Tribes to meet the needs and desires of individual Tribal programs. ITBC attempts to balance the varying interests of member Tribes from maintaining herds for spiritual purposes to utilizing buffalo as viable economic development endeavors. ITBC accomplishes these objectives as follows:

#### **1. Technical Assistance to Tribes:**

ITBC assesses current and potential Tribal buffalo programs to determine technical service needs and infrastructure needs and provides technical assistance in the areas of wildlife management, ecological management, range management, buffalo health, cultural practices and economic development. Further ITBC assists with fencing, corrals, facility design, water development and equipment research. ITBC provides annual training sessions (national and regional) designed to enhance Tribal buffalo management.

#### **2. Education and Outreach:**

ITBC staff provides educational presentations to various audiences including school-age youth on buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians.

### 3. Partnership and Collaboration:

ITBC is a member of various Federal and State working groups organized to address buffalo issues. ITBC collaborates with the National Park Service and the US Fish and Wildlife Service on surplus federal buffalo and to address the Yellowstone brucellosis concerns. However, ITBC participates on a limited basis due to a lack of funding for these collaborative efforts.

### 4. ITBC Marketing Program:

ITBC strives to develop markets for buffalo meat and products for interested member Tribes at the local and national level. ITBC procures buffalo, as limited funds allow, from Tribes and sells the meat products under a joint Tribal and ITBC label. An increase in funding will enhance these marketing efforts.

### 5. School Lunch Program:

ITBC has eight Member Tribes serving Tribal raised buffalo into their school lunch programs to address health concerns of school-age children. ITBC anticipates expanding this program to 20 Tribes in the next three years with increased funding.

## **CONCLUSION**

ITBC has existed for over two decades to assist Tribes with restoration of buffalo to Tribal lands for cultural purposes. No other program exists to assist Tribes with buffalo restoration and protection.

ITBC and its member Tribes have created a new Indian Reservation industry that includes job creation and new revenue for the Tribal economies. ITBC ultimately hopes to restore Tribal herds large enough to support local Tribal health needs and generate sufficient revenue to achieve economically self sufficient herds.

ITBC and its member Tribes are appreciative of past and current support from the Congress and the Administration. However, I urge the Committee to increase ITBC funding to a total of \$7,000,000 which is a level commensurate with the growth of the Tribal Buffalo Programs. This increase will demonstrate Congressional respect for this national icon and allow ITBC to fulfill its responsibilities to restore, protect and manage buffalo.

I would like to thank this Committee for the opportunity to present testimony and I invite you to visit ITBC Tribal buffalo projects and experience first hand their successes.

Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Mr. James Stone, Executive Director, at (605) 394-9730.

Mr. COLE. Thank you for your testimony.  
Next, we will go to Chairwoman Jones, if we may.

FRIDAY, MARCH 18, 2016.

## **LEECH LAKE BAND OF OJIBWE**

### **WITNESS**

#### **CARRI JONES, CHAIRWOMAN, LEECH LAKE BAND OF OJIBWE**

Ms. JONES. Congressman Cole, Ranking Member McCollum, and members of the committee, good morning. My name is Carri Jones, and I serve as the tribal chairwoman for the Leech Lake Band of Ojibwe. Our reservation is located in north central Minnesota.

I want to thank you once again for holding this hearing to gather information on a number of topics and issues that many of us in this room see on a daily basis. I am deeply humbled by the opportunity to be here, because I know and I have seen that you have not only listened but have taken significant and bipartisan action on a topic of great importance to our community: improving school campuses and facilities throughout Indian Country.

Although my fellow council members are not here today, many of which have testified prior to me, I can assure you that the replacement of the Bug-O-Nay-Ge-Shig High School is very important to each of us. We are working hard together to accomplish this important work and are extremely appreciative of everything this committee has done and will do to assist us with what has been a process filled with many ups and downs. We were thrilled to learn that, following the completion of the appropriation process last year, this committee provided additional funding for the construction of new school campuses in Indian Country and additional funding for the planning and construction of school building and campuses. We were further thrilled to learn that the committee and Congress recognizes the serious health and safety threats that exist at BIE facilities across the country, including the Bug-O-Nay-Ge-Shig High School.

However, we remain saddened, as these serious health and safety concerns still exist as I sit before you today. We were encouraged when we began to see the Department of Interior take action to advance a process for the prioritization of replacement of full school campuses in Indian Country. However, as we went through the extensive application process with many of our State, local, and Federal partners, the excitement quickly faded. Despite being encouraged to apply, we eventually learned that Leech Lake was ineligible for this program from the start. We felt a bit misled.

With eager anticipation, we await action by the Department of Interior to clarify how they will address the replacement of facilities like the Bug-O-Nay-Ge-Shig High School and how and when they will release funding that is provided for the replacement of these types of facilities.

Although deeply concerned, we continue to remain vigilant, patient, and hopeful, but cannot help but wonder if our school and our children will ever be provided an opportunity to learn in an environment truly designed for that purpose.

As you know, the Bug-O-Nay-Ge-Shig has received significant national attention, because the current facility is a metal-clad pole barn originally built to house an auto mechanic and bus garage, not a high school. The facility has severe structural and mechanical deficiencies and lacks proper insulation. It does not meet safety, fire, and security standards. Computers cannot be used at the same time for fear of electrical overload. The structure also jeopardizes the health of the students and faculty due to poor indoor air quality from mold and fungus.

The facility suffers from roof leaks, rodents, uneven floors, poor lighting, sewer problems, lack of space, and access for students with disabilities. Students are embarrassed about the condition of the high school, causing a decrease in enrollment. Simply put, this is an important year for the school as it ultimately can be a make it or break it year as it pertains to its survival.

We urge the subcommittee to continue the good work you have started and provide funding to replace school facilities. Further, we appreciate the committee's continued assistance in replacing the Bug-O-Nay-Ge-Shig High School.

No amount of Band-Aid improvements or repairs will address the serious deficiencies in our high school. We have construction and design plans, but we need your help. How can we expect our children to learn in these conditions? Our children deserve better. I have said this twice before in front of this committee, and I will say it again: what is clear to me, and I believe this committee agrees, that this is simply unacceptable. Our students deserve to attend school where they can focus on learning, and not their health and safety. The Federal Government has not upheld its trust responsibilities, and our children are not safe because of it. What more can we do?

Miigwech. Thank you.

[The statement of Ms. Jones follows:]

**Written Testimony of Chairwoman Carri Jones, Leech Lake Band of Ojibwe  
House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
March 18, 2016**

My name is Carri Jones, and I am the Chairwoman of the Leech Lake Band of Ojibwe (Band). Our Band is located on the Leech Lake Reservation in northern Minnesota. I want to thank Chairman Calvert Ranking Member McCollum, and Members of the Subcommittee for holding this *American Indian and Alaskan Native Public and Outside Witness* hearing to examine the critical funding needs of Indian Country. My testimony is focused on the Band's long struggle to replace the Bug O Nay Ge Shig High School (High School) facility, which is administered and funded by the Bureau of Indian Affairs' (BIA) Bureau of Indian Education (BIE). We believe this to be emblematic of the significant challenges related to school facilities throughout Indian Country. With this said, we are greatly appreciative to this Subcommittee for not only listening, but taking real action to address this problem.

I would like to specifically thank Representative McCollum for her tireless efforts to assist the Band in addressing our priorities. Further, I would like to thank Senator Franken, Senator Klobuchar, and Congressman Nolan for their leadership as our Representatives in Washington. The School not only serves a critical role providing a quality, culturally relevant education to the Band's children, but also serves as an economic engine for the entire community. We are deeply grateful for all the support we have received.

Replacement of the High School has been a top priority of the Leech Lake Government and the entire Leech Lake community for many years. The Band has many critical needs on the Reservation on which it could testify; however, given the serious safety and health risks posed at the sub-standard High School facility, the Band has steadfastly focused its testimony solely on the need to replace the High School. Our hope is that this is the year that the Bureau of Indian Affairs (BIA), which handles construction of BIE facilities, begins the process to replace High School facility.

**History of Indian Education**

After the formation of the United States, Indian tribes ceded hundreds of millions of acres of our homelands to the federal government to help build this nation. In return, the U.S. made promises to make the resulting reservations permanent livable homes, including providing for the education, health, and general welfare of reservation residents. These treaty promises were made in perpetuity, remain the supreme law of the land, and do not have an expiration date. However, as you know and as tribal leaders are stating in these hearings today, these promises have not been kept, and our children suffer because of it.

**Dire Need to Replace High School Facility at Bug O Nay Ge Shig School**

The Bug O Nay Ge Shig School is located in Bena, Minnesota, operated by the Band and governed by its School Board. It is named in honor of Bug-O-Nay-Ge-Shig (Hole in the Day), an Ojibwe man who lived in the area at the turn of the century. He is revered for his commitment to fight for our land, our people, and for our children. Some of the kids ride school buses for 2 hours each way every day to attend school. Founded in 1975, the School started modestly with

35 Ojibwe students from the Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of our students. Since that time, the School has transformed itself into a magnet school, teaching state-approved curricula with Ojibwe cultural components. Existing enrollment is a testament to the passion of the students, parents and teachers who are committed to strong academic achievement despite the significant deficiencies and health and safety hazards present at our High School.

The High School is in dire need of replacement. Unlike other schools in the BIE inventory, the High School facility was not originally built for use as an academic space. It is a metal-clad pole barn originally built to house an auto mechanic school and bus garage. When the building was transformed into the High School, the intention was that it would only be a temporary space. However, generations of students have attended school in this makeshift building. The facility has serious structural and mechanical deficiencies and lacks proper insulation. The facility does not meet basic safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations. The police and emergency responders have dubbed the high school building as "Killer Hall" because an emergency would likely have tragic results. In addition, in high wind situations over 40 M.P.H., the students must evacuate outside into the winds because of the structural flaws with the flat metal building.

The High School facility presents a continuing threat to the health and safety of our students and faculty due to poor indoor air quality that contains mold, fungus, and a faulty HVAC system. The facility also suffers from rodent and bat infestation, roof leaks and sagging roofs, holes in the roofs from ice, uneven floors, exposed wiring, poor lighting, sewer problems, lack of handicap access, and lack of classrooms and other space. These are just a few of the facility's numerous deficiencies. Due to the unsafe surroundings, many students have withdrawn from our High School and have transferred to public high school. Students report being embarrassed about the condition of the High School, which results in a negative image of the School and a lower matriculation rate. Despite these challenging conditions, the students perform well. For example, the School has won many awards for its language immersion program and our students are successful compared to their performance at other area schools.

### **U.S Responsibility to Provide for the Education of American Indian Students**

Several federal laws, treaties, and policies acknowledge the federal government's obligation to provide for the education of American Indian children. The Band's Reservation was established through a series of treaties with the U.S. and presidential executive orders. *See* Treaties of February 22, 1855 (10 Stat. 1165) and March 19, 1867 (Article I, 16 Stat. 719); Executive Orders of October 29, 1873; November 4, 1873; and May 26, 1874.

Through these treaties and executive orders, our ancestors ceded to the United States significant tracts of our homelands. In return, the U.S. promised to provide for school buildings, teachers, and the education of our youth. Hundreds of thousands of additional acres of our homelands were taken from us pursuant to the land allotment mandates of the federal Nelson Act in 1889, which is the Minnesota version of the General Allotment Act. As with the various treaty promises made to our people, one focus of the Nelson Act was to dedicate funds generated from

these lands for “the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit.” These treaty promises have no expiration dates and remain the law of the land. Sadly, these promises have not been kept.

#### **High School Rated in “Poor Condition” in Need of Replacement by BIA**

The BIA categorizes this facility in “poor” condition. In 2007, the BIA Midwest Regional Office for the Office of Indian Education Programs issued a report expressing strong concerns about electrical problems, potential fire issues, and student safety. The BIA Office of Facilities, Environmental Safety, and Cultural Management had documented the numerous and serious deficiencies of the High School.

In a February 28, 2011, in a letter responding to Ranking Member Moran’s inquiry about the High School, former Interior Assistant Secretary for Indian Affairs Larry EchoHawk stated:

The Bug O Nay Ge Shig High School shows evidence of continuing deterioration . . . Due to the type of construction of the Bug O Nay Ge Shig High School, improvements to the school such as expansion or construction of one building for classrooms or administrative space is not an optimum solution. **Preliminary evaluations indicate that the building should be replaced** (emphasis added). The estimated date of replacement will depend on the priority ranking of the high school and amount of funds available to correct school facility deficiencies through education construction appropriations.

Working collaboratively with our community and with architects, we have developed construction and design plans for a new High School that will serve as a local anchor for cultural, environmental and economic sustainability. To meet these objectives, we must first provide our children with a learning environment conducive to academic achievement. We are ready to move forward, but we need the Subcommittee’s help.

#### **Lack of Funding for BIE Facilities Replacement Construction**

The U.S. spends billions of dollars on the construction of buildings for federal uses but somehow can’t seem to budget sufficient funding to ensure that American Indian children go to school in buildings that are not only safe, but also conducive to learning. The President’s FY13, FY14, FY 2015, FY 2016, and FY 2017 budget requests violated their treaty and trust responsibilities, as they sought to essentially impose a moratorium on replacement school facilities construction by requesting funding only for repairs and improvements and the construction of one school. We are extremely appreciative of this Committee’s work to increase funding for construction of BIE schools over the past couple of years and believe the Administration is starting to take note of the extreme need throughout Indian Country. Although we believe some progress has been made, there is much more to be done.

We are pleased that the President recognizes the significant needs at the Bug O Nay Ge Shig High School in his budget and that the Administration is making efforts to identify additional funding to address some of the backlog. With this said, the FY16 budget request does not offer enough funding to clear out the current backlog and admits that there are many schools, such as our High School, that are rated in “poor condition” with the potential for life, safety, and health hazards. Our High School is among the more than 63 schools funded by the BIE that are in poor

condition. At this time, the BIE construction backlog is more than \$1.3 billion and this number keeps growing.

Instead, the Administration should be requesting at least \$200 million for FY16 for school **and** facilities replacement with a plan to request at least \$200 million each year until the BIE school construction backlog is addressed. The Bush Administration had requested over \$200 million each year in FY05-FY07 for BIE school and facilities construction and was able to make progress in reducing the BIE construction backlog. Only through consistent and sustained funding will the BIA be able to make a dent in its BIE school facilities backlog. Our hope is that the Subcommittee could consider addressing the BIE construction backlog by developing a plan to significantly reduce it over a period of time.

### **Conclusion**

The Leech Lake students and students throughout Indian Country deserve the opportunity to attend school in a safe environment that provides them with educational opportunities afforded to other students. The United States owes them this. Instead, our students attend high school in a sub-standard, dangerous environment that is not conducive to learning. This impacts their self-worth, creates feelings of inferiority, and sends a message to them that their education and even their lives are unimportant.

Congress and the Administration must develop a comprehensive plan to fully fund the construction needs at the Leech Lake High School and fix organizational barriers which are preventing this. In addition, Congress and the Administration must work in consultation with tribal leaders, educators, and others to develop innovative ways of funding and building Indian reservation schools.

We appreciate all the work that this Subcommittee, its Members, and our Representatives have done to raise awareness and advance the replacement of the school to date and we look forward to continuing to work with you. Thank you for the time to testify and discuss this important topic.

Mr. COLE. Thank you very much for your testimony.

And we have been joined by Mr. Simpson.

Glad to see you, Mike.

Mr. SIMPSON. You bet.

Mr. COLE. Glad you are here this morning.

Let me just quickly, if I may, President Steele, engage a little bit on this health issue. Number one, thank you for your kind words to the committee and thank you for your hospitality when we had the opportunity to visit Pine Ridge. It was a terrific visit, quite frankly.

I want to make clear, from my point of view, that this is strictly a tribal decision. The United States Government has an obligation here, and it has to fulfill it one way or the other. And I think the tribe gets to choose the way. If you want to use Indian Health Service directly, we have an obligation to make sure that provides the kind of health care that everybody deserves, because that is a trust obligation of the United States Government. No question about it. If you choose to run it yourself, we still have the obligation of funding and working with and what have you. But, again, that is the tribal choice. And it will vary by tribe.

I know in my, case in the case of our tribe, we do run ours. We also contract with eight smaller tribes that are in the situation you talked about; they simply aren't numerous enough to operate their own facilities.

Mr. STEELE. They do it all together.

Mr. COLE. Yeah. And that is what we do, and they are a part of our governance structure and everything else, but anyway, for what it is worth, it can be done, but you have to decide it is the right fit for you.

So, with that, let me go to our ranking member for whatever questions she would care to pose.

Ms. MCCOLLUM. Well, thank you. I am unfamiliar with tribes being able to navigate pulling down funds when the States have decided not to participate in the Medicaid expansion, so I am going to learn some more about that in the next week. I think some of my other colleagues also have the same question.

Mr. COLE. Will the gentlelady yield?

Ms. MCCOLLUM. I would be happy to yield.

Mr. COLE. I was going to make the same point, because I am not familiar with that. And I am almost wondering, because, of course, we put the Indian Healthcare Improvement Act as part of ObamaCare, much to my chagrin, but we did—

Ms. MCCOLLUM. The IHCA permanent reauthorization.

Mr. COLE. Yeah. I am wondering if some tribes wouldn't have the opportunity to contract separately from the State if they chose to. I mean, I think this is a state right, but I don't know why a tribe would automatically be in that boat. So let's work together and see if we can find an answer on that.

Ms. MCCOLLUM. I would like to do that.

Mr. Carlson, you were saying that there is no scientific evidence that buffalo meat is healthier. I thought there was—maybe it is just an urban rural legend. That is why I eat it. But you are saying that there is no scientific basis, and that the Department of Agri-

culture and the CDC has no guidelines on what is more heart healthy?

Mr. CARLSON. Well, and I am going to refer to some of my experts with me too, but no real hard, I guess, you know, but we, you know, as Indian people just have had evidence of families, you know, just sticking to a diet of buffalo meat and reducing diabetes or even completely going away. We had one family do that.

Ms. MCCOLLUM. I just had the honor and privilege of meeting Ms. Hunter from Tanka Bar.

Mr. CARLSON. Yes.

Ms. MCCOLLUM. She is from Pine Ridge and tries to buy as much native product, wild cranberries and buffalo, as possible.

Ms. Jones, I am guardedly optimistic based on a conversation we had with Mr. Roberts when he was here about the Bug School. I want to thank my fellow committee members here. We put some report language in to be very clear that when the Bureau of Indian Affairs was going through looking at what Facilities should be replaced, facilities that were never intended to be schools or classrooms needed to be red flagged. We actually heard that loud and clear from Mr. Roberts that if—somebody can correct me if I get this wrong—no one had seen a facility that was being incorrectly used for a classroom that was in worse shape than the Bug school at Leech Lake. So I am guardedly optimistic.

However, I did ask, “when can we expect these reports,” because I am at my wit’s end, to put it in a way my grandmother would think is acceptable here, to when we are going to get this list. Then Chairman Calvert had GAO testify, and we had a discussion about how BIA had people literally doing drive-by inspections of schools and how some school facilities hadn’t been inspected in 4 years. Minnesota was not on that list. Our schools were all inspected.

It gives me great concern for what else we are going to find out when we finally get all the inspections done. But I am guardedly optimistic. The sun comes up every morning, and, I hope it comes up and shines on the Bug school.

Thank you, Mr. Chair.

Mr. COLE. Thank you.

Mr. Simpson.

Mr. SIMPSON. Thanks. Sorry I am late, Chairman Cole.

But it is good to see you again, President Steele.

Mr. STEELE. Thank you for coming to Pine Ridge.

Mr. SIMPSON. As the chairman said, we appreciated the hospitality that we had at Pine Ridge and the other reservations in South Dakota. We had a very interesting tour out there. To say the least, it opened, I think, a lot of Members’ eyes to the challenges that we are facing in Indian Country. And when we went out and looked you see how big the reservation is and how little law enforcement there actually is, that is a real challenge.

Mr. STEELE. Sir, we have got an increase in violent crime and drugs. I have got heroin identified in his now.

Mr. SIMPSON. Yeah.

Mr. STEELE. I need more officers.

Mr. SIMPSON. Yes. I know. And that was one of the issues that we were focused on when we were out there.

And it seems like we have tried over the last several years to address the Indian healthcare issue in this committee.

Mr. STEELE. Yes, sir.

Mr. SIMPSON. And we have done that, while I don't want to say ignoring, but that has been our primary focus, and now we are looking at education also and trying to expand that, but law enforcement is obviously one of the areas that we need to also increase.

Mr. STEELE. It is very difficult. It wrecks our police vehicles, our ambulances because of the road conditions. BIE needs road maintenance moneys.

Mr. SIMPSON. Well, you look at how long an officer is on duty sometimes.

Mr. STEELE. Yes, sir.

They get burnt out.

Mr. SIMPSON. Sometimes—you lose an officer who just gets tired, or fell asleep at the wheel.

Mr. STEELE. Yes, sir.

Mr. SIMPSON. Because he had been on duty so long, and you get a call, and it might be 2 hours to get out to where that call is.

Mr. STEELE. To get there.

Mr. SIMPSON. If you have no backup, it is a real challenge.

I have seen some of the—and I don't want to say studies—but some of the reports from tribes that have gone back to traditional diets and the reduction of diabetes that has occurred by returning to traditional diets. And, you know, while it might be ancillary, if it works, it works. So I appreciate what you do. It is very important.

And I have mixed emotions about fixing the Bug school, because I love that name, and if we fix it, we will probably never hear the name again, so say it one more time. What is it?

Ms. JONES. The Bug-O-Nay-Ge-Shig.

Mr. SIMPSON. Bug-O-Nay-Ge-Shig.

Ms. MCCOLLUM. Exactly.

Mr. SIMPSON. Okay.

Ms. MCCOLLUM. It was named after a great leader.

Ms. JONES. Yeah.

Mr. SIMPSON. But one thing we did learn on this trip in Oklahoma and South Dakota, and at least got a firsthand knowledge of was, that school construction is a real problem. There are schools that—and I say this, and I don't mean it disrespectfully but there are schools that we send Indian children to that, frankly, I wouldn't send my pets to. That is how bad of shape they are in.

And it is a crime. We need to do something about it. That is why I think the committee is, since we came back from that trip, really focused on trying to make sure that we address the backlog in school construction and get those schools up to speed.

Anyway, thank you all for being here today. It is good to see you again. And thanks for your testimony.

Mr. COLE. Thank all of you for being here.

Next up, if we could have—I hope I get this right—Mr.—is it Wawronowicz?

Mr. WAWRONOWICZ. If you can't get it right, nobody can.

Mr. COLE. Oh, come on.

Also, Ms. Lewis, Mr. Isham, and Mr. Carrick, please.

Mr. WAWRONOWICZ. Mr. Chairman, before we start, we had a little bit of a civics class in a Lac du Flambeau public grade school in which the kids put together a card for you and the committee in order to take the words that people are saying at this testimony in a good way.

Mr. COLE. That is so nice.

Mr. WAWRONOWICZ. Okay.

Mr. SIMPSON. Tell me, what is that? What does that say?

Mr. WAWRONOWICZ. Ojibwemowin is not my forte, but, basically, it is telling you: Humbly accept our tobacco. And my wife is the Lac du Flambeau tribal member, and she is the Ojibwe language expert in our family.

Mr. SIMPSON. Okay.

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FRIDAY, MARCH 18, 2016.

## **LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

### **WITNESS**

**LARRY WAWRONOWICZ, NATURAL RESOURCES DIRECTOR, LAC DU  
FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

Mr. WAWRONOWICZ. Well, good morning, and I appreciate the time to be able to talk to you about the issues and concerns of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

For the record, my name is Larry Wawronowicz. I am the natural resource director for the Lac du Flambeau Band of Lake Superior Chippewa Indians. I am deeply honored that the tribe has allowed me to talk on their behalf. I mean, that is a big honor when it comes to it.

I want to recognize my other tribal leaders that are here. I appreciate the time in going before you. Thank you very much.

The President's fiscal year 2017 budget has some important initiatives for the tribes. For example, full funding of contract support costs. That's really neat. And I was hoping because of the treaties that not only contract support costs, there would be direct costs would be mandatory as well for maybe all Native American programs. So we would like to be able to make sure that Congress understands that, the court cases, make sure that contract support is a mandatory thing.

I call on you to fully support the administration's emphasis on our youth. That is a big thing in Lac du Flambeau. We spend a lot of time and effort trying to make sure that our youth have everything they need to have a healthy and secure life. But sometimes it gets very, very difficult in Indian Country.

So the Generation Indigenous Initiative is the first time this Nation has taken a comprehensive approach in improving the lives of Indian children. The administration calls on all agencies, including outside the Department of Interior and his, to do their part in fulfilling the trust responsibility to Indian children.

Based on the treaty obligations and Federal trust responsibility, the Federal Government should be committed to providing fundamental fairness to tribes, not just in select areas but across the

board, and appropriations for all programs, including Native Americans, should provide funding levels based on this fundamental principle.

The comprehensive approach asks Congress to support initiatives to increase the number of behavioral health providers focused on Indian youth through Indian healthcare system as well as increasing social service and tribal court funding to meet the needs in families trying to rebuild a new life in recovery. So we would really like to have you guys take a look at that. And my written testimony goes into a lot more detail.

Education remains the critical investment in the future of our tribes. Our school children attend public schools. For that reason, we strongly support the administration's \$18.5 billion request for Johnson-O'Malley programs, as well as scholarships in adult educational programs. We must do more for our children to pursue better lives through education.

We fully support the administration's request of \$5.1 billion for Indian Health Service, but I think as all of us sat around the table this morning, it seems like we still have a lot more work to do when it comes to be Indian health. According to the Indian Health, this level of funding would fully fund pay costs, inflation, and partially fund population growth. Just a point, I wish the Bureau of Indian Affairs would offer that same thing to us, to be quite honest with you. This increase will allow for a significant investment in Purchased and Referred Care with a \$48.1 million increase.

As we address our community's social needs, we are mindful that the cornerstone for a healthy community is our healthy environment. Clean air, water, and land are vital for the physical and emotional health of our people, they provide for the foundation of our culture, and is a basis for unique opportunity within Indian country.

Lac du Flambeau has a comprehensive Natural Resource Department and a dedicated staff with expertise in natural resources and land management. So our support for natural resource programs extends to tribal management development programs, all BIA programs, fish hatchery operations and maintenance, forestry, the BIA Circle of Flight Program, Great Lakes Restoration Initiative, just to name a few. And we also want to go on record that we support the funding request for the Great Lakes Indian Fish and Wildlife Commission, in which we are a member tribe. And Mic will be providing some information later.

Building tribal capacity is vital to ensure tribes have the ability to manage and protect our natural resources. This is why we want and agree with the administration's funding for the GAP program within the EPA's budget. So take that into consideration.

One of the areas that we would like to see the committee take and address is the Leaking Underground Storage Tank facility cleanup in Indian Country. There was a decrease in funding to \$1.6 million from \$2.5 million a few years ago. We just feel that there needs to be more of that in Indian Country. So we are requesting that the committee try to address that issue by providing \$5 million for that program with the EPA.

Finally, we urge the committee to add at least \$9 million to the BIA roads maintenance program. You heard that a little bit earlier.

So with that, I am going to stop. But I just want to make sure that in Indian Country our lives, our culture, health, education, and welfare are tied so closely to our natural world. Clean air, water, and land are required to maintain healthy, educated communities. That is the bottom line. So please, when you consider the fiscal year 2017 budget, you take that concept into effect. And I appreciate the time to speak you before you today. Thank you very much.

[The statement of Mr. Wawronowicz follows:]

**TESTIMONY OF LARRY WAWRONOWICZ, NATURAL RESOURCE DIRECTOR  
LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
ON BIA, IHS & EPA PROGRAMS IN THE FY2017 BUDGET  
MARCH 18, 2016**

My name is Larry Wawronowicz, I am the Natural Resource Director for the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Wisconsin. I am not a tribal member, but I have worked for the Lac du Flambeau Band for 33 years, raised a family in the Lac du Flambeau community and have many friends and co-workers in Indian Country, so I am deeply honored that the Tribe has allowed me the privilege to present this testimony which reflects the needs and concerns of the Tribal membership.

The President's FY 2017 Budget has some important and positive initiatives for Tribes. For example, it includes fully funding contract support costs and requesting that Congress reclassify this funding as mandatory. And in doing so would implement what two Supreme Court cases have already stated is the law. This funding must be paid; it is time that Congress make the necessary changes in the statute to implement the Court's decisions.

**I. GENERATION INDIGENOUS INITIATIVE**

I call on you to fully support the Administration's emphasis on our youth. The Generation Indigenous Initiative is the first time this Nation has taken a comprehensive approach to improving the lives of Indian children. The Administration called on all agencies including those outside of the Department of the Interior and the Indian Health Service to do their part to fulfill the trust responsibility to Indian children. Based on the federal trust responsibility, the federal government should be committed to providing fundamental fairness to Tribes, not just in selected areas but across the board – and appropriations for all programs affecting Indians should provide funding levels based on this fundamental principle.

**BIA Tiwahe (Family) Initiative.** The Tribe strongly supports the continuation of the Administration's Tiwahe initiative, a broad-based, interdisciplinary, and culturally appropriate program for addressing the needs of Indian families and communities – including child welfare and family services, housing and job training. This program fills an immediate and critical need.

At Lac du Flambeau, over the last few years we have faced a crisis in our community arising from a growing epidemic of drug abuse. The problem has been far-reaching – as we find widespread abuse of prescription drugs, synthetic marijuana, and heroin on our Reservation. The impact on our community has been devastating in terms of the health and well-being of our families. The rise in drug abuse often leaves our children caught in unsafe situations at home. This has led to an increase in the need for foster care and other temporary placements for our children. The Administration's \$57 million request (a \$12.3 million increase) for tribal social service programs and the \$18.9 million request (a \$3.4 million increase) for Indian Child Welfare programs will help meet this need. In addition the \$30 million requested for tribal courts (\$2.5 million increase) will also ensure that our children are safer as these institutions will have

additional resources to supervise and monitor the children in their care. This is also why the Tribe supports the Administration's request for \$29 million to increase the number of mental health providers throughout the Indian Health Care System and the \$15 million increase to hire behavioral health professionals and peer specialists focused on Indian youth and their families. .

## II. DEPARTMENT OF THE INTERIOR

**A. Natural Resource Programs.** As we address our communities' social services needs, we are mindful that one of the cornerstones of a healthy community is a healthy environment. Clean air, water and land are vital for the physical and emotional health of our people, and provide both a foundation for our Tribal culture and the basis for economic opportunity on our Reservation. That is our obligation to future generations – to ensure that our lands, air and waters are adequately protected.

**B. Bureau of Indian Affairs Climate Resiliency.** The Tribe endorses the requested \$13 million to address the impact of the changing climate on our natural resources. Our community is reliant on our natural resources to survive. If people cannot fish the lakes we have been fishing since the beginning of time or hunt wild game because these resources are not there, who we are as a people will be forever changed.

**C. Tribal Natural Resource Management and Development; Tribal Fish Hatchery Operations and Maintenance.** Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Among our many programs, the Tribe operates a fish hatchery that stocks many of our lakes. Along with our other natural resource programs, our fish production activities are essential to protect our natural resources and to foster economic activity on our Reservation. We support full funding fish hatchery operations and maintenance.

**D. Circle of Flight: Wetlands Waterfowl Program.** We urge the Subcommittee to continue to provide support for the BIA Circle of Flight Program. This program supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat within Tribal territories.

**E. Great Lakes Indian Fish and Wildlife Commission.** The Tribe strongly supports the work of the Great Lakes Indian Fish and Wildlife Commission ("GLIFWC"). GLIFWC assists in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights. We urge the Subcommittee to fully support the programmatic funding for GLIFWC from both BIA and EPA. GLIFWC has played an invaluable role in providing science and sound management practices for our off-reservation resources. This role could not be filled by any other agency.

**F. Education Programs** Education remains a critical investment in the future of the tribes. The Johnson-O'Malley Program provides vital support for Indian students in public schools. We support the \$18.5 million requested for this Program. We must do more for our students in public schools. Likewise, we are proud to see an increasing number of our students attending and graduating from colleges and other post-secondary institutions. Thus, we support the increased funding for for scholarships and adult education within the BIE. The Tribe also

supports the Administration's proposed increase in BIA funding for fellowship and training opportunities for post graduate study.

**G. Tribal Courts.** We are concerned that the Administration has proposed an \$8 million cut in funding for tribal courts in P.L. 280 states like Wisconsin. Because of a BIA policy that chose not to fund tribal courts in P.L. 280 States for decades, our courts have lagged behind our sister tribes in the ability to meet the justice needs of our communities. Congress recognized this deficiency last year and provided \$10 million to address it. BIA essentially wants to halt this initiative before it even starts. With regard to the \$10 million provided in FY 2016, the BIA has not held any consultation on how this funding would be allocated and we understand may not do so and instead use this funding to build its own bureaucracy. We would urge the Committee to clarify with the BIA that the FY 2016 funding was intended to assist tribal courts in P.L. 280 states and not to build their own bureaucracy which hopefully will carry over to FY 2017 funding as well.

**H. Transportation.** Proper road maintenance on the Reservation is essential for the safety and health of our community, and for promoting economic opportunities. BIA Road Maintenance, nationally, is responsible for 29,700 miles of BIA owned road and 931 BIA owned bridges. The Administration request of \$27 million only funds 16% of the level of need for BIA road maintenance. For bridges it would fund 62% of the level of need. Thus, 84% of the roads in the BIA systems will continue to be at poor or and failing condition and almost 300 of the bridges in the BIA system will be at poor or failing condition. These are roads used by school buses, first responders and police officers. In any other community this would be unacceptable. We urge the Subcommittee to increase funding for the BIA road maintenance program by \$9 million. This level of funding would allow approximately 25% of the roads to be at fair or better condition.

**I. Tribal Historic Preservation Offices.** The Tribe supports the Administration's \$11.9 request (a \$2 million increase) for Tribal Historic Offices. This increase is a start to adequately fund tribal Historic Preservation Act compliance. While more Tribes have assumed the responsibility under the Historic Preservation Act, federal appropriations have not kept pace and this threatens Tribe's ability to do this important work.

### III. ENVIRONMENTAL PROTECTION AGENCY

**A. EPA Tribal General Assistance Program.** The Tribe strongly supports the proposed \$96.4 request in the EPA Tribal General Assistance Program, known as "Tribal GAP." This program provides base environmental funding to assist Tribes in building their environmental capacity to assess environmental conditions, utilize available data and build their environmental programs to meet their local needs. This is a foundational program for Tribes to address the broad range of challenging circumstances we face regarding our Reservation environment. Importantly, the increase in funding this program is to implement Tribal environmental plans and to recruit and retain qualified environmental professionals in Indian country.

**B. Great Lakes Restoration Initiative.** The Tribe strongly supports funding for the Great Lakes Restoration Initiative. For the indigenous people of Wisconsin, the Great Lakes represent the lifeblood of our culture and the foundation of our economies. The protection and

preservation of the Great Lakes are necessary to preserve the tribal communities that have made the Great Lakes area their home since time immemorial.

**C. Leaking Underground Storage Tank. D. Leaking Underground Storage Tank.** The Tribe urges the Committee to increase funding for Leaking Underground Storage Tank (LUST) clean-up in Indian Country. This funding was decreased to \$1.69 million from almost \$2.5 million a few years ago. As the EPA notes in its budget justification this funding is the primary source of funding for these clean-up activities in Indian Country. Since its inception in the 1980s, the LUST program has cleaned up 78% of the 1,375 identified releases in Indian Country. There are 298 of these identified sites that still need to be cleaned up. Unfortunately, the number of sites the EPA is able to cleanup has decreased by 50% in the last six years. While some of this is attributed to the fact the sites are much more complex and require more time and resources, there can be no doubt that this drastic reduction in the number of sites addressed is attributed to the decrease in funding.

This issue is particularly important to Lac du Flambeau because we fear that the 1,375 identified sites grossly underestimate the number of sites actually in Indian Country. In Lac du Flambeau we have 25 sites that may be impacting reservation resources which are not included in the 1,375 sites. One site in particular, the Haskell Lake/Tower Standard Site has the Tribe very concerned because of contaminated ground and possibly lake surface water with lead, benzene and a host of other contaminants. We identified this site in 2010 and we are still working on getting the funding necessary for cleanup. So we urge Congress to increase funding for the LUST program in Indian Country by \$5 million, recognizing that this will only clean-up approximately 33 out of the 298 identified sites per year.

#### **IV. INDIAN HEALTH SERVICE PROGRAMS**

We fully support the Administration's request of \$ 5.1 billion for the Indian Health Service. According to the IHS, this level of funding would fully fund pay costs, inflation, and partially fund population growth. This increase will allow for a significant investment in Purchased and Referred Care with a \$48.1 million increase.

Research has clearly demonstrated that our overall health is tied to our oral health. The Lac du Flambeau Tribe recognized this and that is why in 2013 we opened a state of the art dental clinic to serve the needs of our people. No longer are dental visits done by an occasional dental visit at our schools. We are now seeing our members in our facility early and often and are preventing dental disease before it can happen. We fully support the requested \$8.5 million increase for the dental health services program. This increase will address the not only medical inflation, but also the population increase our community has experienced.

Mr. COLE. Thank you for your testimony.  
 Mr. WAWRONOWICZ. Thank you very much for your time.  
 Mr. COLE. Ms. Lewis, you are recognized.

FRIDAY, MARCH 18, 2016.

## **LITTLE RIVER BAND OF OTTAWA INDIANS**

### **WITNESS**

**SANDRA LEWIS, TRIBAL COUNCILOR, LITTLE RIVER BAND OF OTTAWA INDIANS**

Ms. LEWIS. Good morning, Chairman Calvert, respected members of the committee. My name is Sandra Lewis. I am counselor for the Little River Band of Ottawa Indians. I am honored to be present at this testimony on behalf of the Little River Band of Ottawa Indians regarding our views and priorities for the fiscal 2017 Presidential budget request.

The Little River Band is pleased with the ongoing commitment of this administration to Indian Country. President Obama's commitment to establish a legacy respecting the sacred relationship forged by our treaties is evident in the appropriations request for the Bureau of Indian Affairs at \$2.9 billion and Indian Health Services of \$5.2 billion; fully \$138 million and \$377 million above the fiscal year 2016 enacted levels.

The increase demonstrates a longstanding commitment to promoting tribal sovereignty, and for the Little River Band of Ottawa Indians it aligns with our mission to secure and promote the prosperity of future generations.

The Little River Band of Ottawa Indians would like to thank the committee for hearing the concerns of the tribal leadership and our views regarding the impact of the administration's budget request on our Nation's efforts to reach the outcomes we are all wishing to achieve: successful, safer, and prospering "Native First Nations."

The Little River Band would like to acknowledge the importance of the recently signed MOU between the Census Bureau and the BIA. We believe tribal communities have long been undercounted and inaccurately represented in the census data. We support the \$12 million increase to the BIA to address these gaps in Indian Country and believe this measure is a key component to formulating a realistic budget.

Since Reaffirmation in 1994, the Little River Band of Ottawa Indians have prioritized its economic development efforts, programs, and services to enhance the standard of living of its members.

Assisting Little River Band of Ottawa Indian members to achieve a middle class economic standard has been an overarching goal since Reaffirmation. And while gains are being made, persistent issues remain, as reported in this previous fiscal year. Over half of tribal member households earn less than \$30,000 annually, compared to a mean household income of just over \$64,500 for Michigan residents.

Less than 40 percent of Little River Band tribal member adults have achieved education beyond a high school diploma compared to nearly 60 percent of Michigan adults reporting some degree of

higher education. One-third of tribal members access one or more tribal assistance programs annually. Currently, enrollment stands at just over 4,200 persons.

The Little River Band understands the challenges we face to assist the population out of poverty and into true individual self-determination. The Little River Band of Ottawa Indians is pleased with the ongoing commitment to make affordable housing available through the Native American Housing Assistance and Self-Determination Act. We have built over 55 high-quality housing opportunities as a result of this act to address the needs of our elders, lower-income and working families. The Little River Band of Ottawa Indians requests that the committee continues to make these funds available to us.

As our needs are increasing year to year with the return of our people to our homelands, we have a presently unmet need of over more than 35 homes in our returning families.

The Little River Band of Ottawa Indians is also pleased with the increase to health care, specifically the commitment to fully fund contract support costs, which reduces the need to redirect other programs' funds to meet our costs of providing these services. The Little River Band of Ottawa Indians appreciates the administration's move of contract support costs from discretionary to mandatory appropriations. This change presents an opportunity for the Federal Government to comply at long last with the decisions in the Cherokee, Arctic Slope, and Ramah Supreme Court cases.

The Little River Band of Ottawa Indians cautions that the proposed proviso limiting carryover is not consistent with the Indian Self-Determination and Education Act and should be eliminated. In addition, the increase to patient service will allow us to continue to implement direct services. We are on schedule to implement a pharmacy service to our members in 2016, a direct result of the service contract support cost increases.

The Little River Band of Ottawa Indians also notes that funds dedicated to Generation Indigenious will assist us to build stronger programs to address our at-risk youth populations and strengthen our family support systems. You heard when we asked that these types of funds become a formula-based tribal priority allocation, putting all tribes within reach of its need of assistance. Creating government-wide collaboration placing priority on all of the Federal Government to assist in the preservation of our most precious resource, our Native American youth, is achievable and commendable.

There are some areas that are near and dear to me as a counselor, and I wish to bring them to your attention.

Language and culture are the cornerstone of the unique identity of Indian peoples. The protection of our way of life is critical to our individual identities and our community prosperity, and most importantly, our children's future. These are guidelines for our governance as a Nation.

The preservation of our sacred lands and objects, including the repatriation of our ancestors to our homeland, is our highest responsibility. The Little River Band would like to see a future appropriation for the Tribal Historic Preservation Officer. The increase will allow the tribes to appropriately staff and, more impor-

tantly, continue to provide opportunities for our people to engage in language immersion instruction and culturally based community events that reinforce our identity as Anishinabek people.

The beauty of our culture is found in our language. It guides our daily life, preserves our identity, and provides foundation for the youth in the development of who we are as individual Anishinabek persons. Our language and culture keeps us strong, drug and alcohol free, and family oriented. The budget request of \$15 million towards language and cultural preservation is not enough for 566 federally recognized tribes. The Little River Band must write a successful grant proposal to even access funds to assist our efforts.

A better approach to ensuring the preservation of unique language, culture, sacred lands, and objects that make us who we are would be to implement a government-wide initiative similar to Generation Indigenous.

Can I go on? My time is up.

Mr. COLE. I will give you about 30 seconds. You are almost 3 minutes over now.

Ms. LEWIS. Okay. Sorry about that.

Mr. COLE. Okay.

Ms. LEWIS. I just basically wanted to talk about our ricing program and how important that is to have our natural foods back in our community. And our roads, just to touch base on our roads, that they are gravel. We need help.

And I just want to say miigwech, thank you for your time, and [speaking native language].

[The statement of Ms. Lewis follows:]

**TESTIMONY OF SANDRA M. LEWIS, TRIBAL COUNCILOR****LITTLE RIVER BAND OF OTTAWA INDIANS****BEFORE THE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON INTERIOR  
ENVIRONMENT and RELATED AGENCIES****UNITED STATES HOUSE OF REPRESENTATIVES****MARCH 18, 2016**

Chairman Calvert, Respected Members of the Committee:

I am Sandra Lewis, Tribal Councilor of the Little River Band of Ottawa Indians (LRBOI). I am honored to present this testimony on behalf of the Little River Band of Ottawa Indians, regarding our views and priorities for the fiscal year (FY) 2017 President's Annual Budget Request.

LRBOI is pleased with the ongoing commitment of the Administration to Indian Country. President Obama's commitment to establishing a legacy respecting the sacred relationship forged by our treaties is evident in the appropriations requests for the Bureau of Indian Affairs (BIA) at \$2.9 billion, and the Indian Health Services (IHS) of \$5.2 billion; fully \$138 million and \$377 million above the FY 2016 enacted levels. The increases demonstrate a long-standing commitment to promoting tribal sovereignty, and for LRBOI, it aligns with our mission to secure and promote the prosperity of future generations. LRBOI would like to thank the Committee for hearing the concerns of tribal leadership and our views regarding the impact of the Administration's budget requests on our nation's efforts to reach the outcomes we are all wishing to achieve – successful, safer and prospering 'Native First Nations'.

LRBOI would like to acknowledge the importance of the recently signed MOU between the Census Bureau and the BIA. We believe tribal communities have long been undercounted and inaccurately represented in Census data. We support the \$12 million increase to the BIA to address these gaps in Indian Country and believe this measure is a key component to formulating a realistic budget.

Since Reaffirmation in 1994, LRBOI has prioritized its economic development efforts, programs, and service delivery to enhance the standard of living of its members. Assisting LRBOI members to achieve a middle class economic standard has been an overarching goal since reaffirmation, and while gains are being made, persistent issues remain as reported in the previous fiscal year:

- over half (56%) of Tribal member households earn less than \$30,000 annually, compared to a mean household income of just over \$64,500 for Michigan residents;
- less than 40% of LRBOI tribal members adults have achieved education beyond a high school diploma, compared to nearly 60% of Michigan adults reporting some degree of higher education;
- 1/3 of tribal members access one or more tribal assistance programs annually – current enrollment stands at just over 4200 persons.

LRBOI understands the challenges we face to assist our population out of poverty and into true individual self-determination. LRBOI is pleased with the ongoing commitment to make affordable housing available through the Native American Housing Assistance and Self-Determination Act (NAHASDA); we have built 55 high quality housing opportunities as a result of this Act to address the needs of our Elders, lower income and working families. LRBOI requests that the Committee continue to make these funds available to us, as our needs are increasing year to year with the return of our people to our homelands; we presently have an unmet need of 35 homes for our returning families.

LRBOI was also pleased with the increases to health care, specifically the commitment to fully fund contract support costs, which reduces the need to redirect other program funds to meet our costs of providing services. LRBOI appreciates the Administration's move of Contract Support Costs from discretionary to a mandatory appropriation. This change presents an opportunity for the Federal Government to comply at long last with the decisions in the Cherokee, Arctic Slope and Ramah Supreme Court cases. LRBOI cautions that the proposed proviso limiting carry-over is not consistent with the Indian Self-Determination and Education Assistance Act and should be eliminated. In addition, the increases to patient services will allow us to continue to implement direct services; we are on schedule to implement pharmacy service to our members in 2016—a direct result of services and contract support cost increases.

LRBOI also notes that funds dedicated to Generation Indigenious, “Gen-I” will assist us to build stronger programs to address our at-risk youth populations and strengthen our family support systems. You heard us when we asked that these types of funds become a formula-based tribal priority allocation putting all tribes within reach of this needed assistance. Creating government-wide collaboration placing priority on “all of the federal government” to assist in the preservation of our most precious resource, Native American Youth, is achievable and commendable.

There are some areas that are near and dear to this councilor; and I wish to bring them to the attention of the Committee.

Language and culture are the cornerstone of the unique identity of Indian peoples; the protection of our way of life is critical to our individual identities, our Community prosperity and most importantly, our children's future. These are the guides of our governance as nations. The preservation of our sacred lands and objects, including the repatriation of our ancestors to our homelands is our highest responsibility. LRBOI would like to see future appropriations for the Tribal Historic Preservation Officer (THPO) increase to allow Tribes to

appropriately staff and more importantly, continue to provide opportunities for our people to engage in language-immersion instruction and culturally based community events that reinforce our identity as Little River Band Ottawa; the Anishinabek peoples. The beauty of our culture is found in our language; it guides our daily life, preserves our identity and provides a foundation for our youth in the development of who they are as individual Anishinabek persons. Our language and culture keeps us strong, drug and alcohol free and family oriented. The present budget request of \$15 million towards language and culture preservation is not enough for 566 federally recognized Tribes. LRBOI must write a successful grant proposal to even access funds to assist our efforts. A better approach to ensuring the preservation of the unique language, culture, sacred lands and objects that make us who we are, would be to implement a government wide initiative similar to Gen-I. It's time to rewrite the priorities and place emphasis on the United States' 'First Nations.' It's time to restore the very things that were taken from us by assimilation. It's time to repatriate our language and ceremonies back to us by increasing the appropriation to \$30 million. We also need a set aside to allow our THPO officer to meet our requirements and respond to inquiries regarding the National Historic Preservation Act (NHPA) Section 106 matters. I am pleased to inform the Committee that our THPO Officer has been recognized by the Governor of Michigan for our government to government collaboration. LRBOI responds to nearly 300 inquiries annually with one THPO Officer and two staff. Section 106 requirements are a full-time obligation that could easily employ the skills of an engineer and archaeologist. I'm proud to say our staff fill those roles, and manage to provide cultural education, ceremonial and language opportunities for our people in addition to Section 106 compliance.

Our LRBOI Anishinabek culture's foundation is in the "KchiGaamii" or Great Lakes that surround our lands. LRBOI is part of the Three Fires Nations; we live in the area on our 'Turtle Island' as directed to us long ago—"settle in the place where food grows on water." This food is critical to our people; it is known as wild rice. Our current efforts to preserve wild rice beds, restore wild rice habitat and enhance growing opportunities for LRBOI member harvests is also impacted by three factors; the quality of the fresh water it grows in, the overall climate of the region and the invasion of non-native plant species such as purple loose-strife and phragmites. Presently, LRBOI receives an Environmental Protection Agency (EPA) multi-year grant under the Great Lakes Restoration Initiative (GLRI) that assists our wild rice re-introduction, restoration and existing source management efforts. Combined with Bureau of Indian Affairs (BIA) funds, LRBOI is making an effort to protect existing wild rice beds within our Ceded Territory watersheds, establish harvesting education programs and reduce the incidence of invasive species and their impact on the habitat. LRBOI recommends increasing the existing EPA GLRI appropriation to \$10 million from the \$3 million requested in the FY 2017 budget as there are 36 Tribes in our region with similar cultural preservation aspirations. LRBOI also recommends increasing the BIA Invasive Species Program from \$10 million to \$15 million. The biologists working on our wild rice and habitat restoration efforts have indicated the biggest threats to our region for all Natural Resources are climate change, land management, farming and the siphoning of fresh water for activities such as fracking for gas and oil exploration. LRBOI asks the Committee to consider the protection of water quality to be a long-term priority. We are very aware of the crisis this year in Flint, Michigan and the threat to clean, safe drinking water—LRBOI donated \$10,000.00 to the Flint

Testimony of Sandra M. Lewis, Tribal Councilor  
LRBOI, Manistee, MI

Children's Fund to assist with ongoing lead testing for Flint's children as they continue to discover the far reaching impact of the contaminated water the people of Flint were consuming. We are very proud of our effort to assist the children of Flint and ask the Committee to take measures in this budget request to protect the fresh water resource that is the Great Lakes Basin.

Finally, by its own admission, the Administration's funding request for the Road Maintenance Program for FY 2017 will permit tribes to maintain only 16 percent of BIA-owned roads and 62 percent of BIA-owned bridges in "acceptable" condition. In Michigan, the condition of our roads and bridge infrastructures impacts our economy, the quality of life in or territory and the communities surrounding it. The current appropriation requests would leave 8 out of 10 BIA-owned roads and nearly 4 out of 10 BIA-owned bridges with funds to maintain them in their current poor or failing condition. This is a life-safety issue. Most of these routes are gravel and earthen school bus routes that require more frequent maintenance than paved roads. We urge the Committee to add an additional \$9 million to the Road Maintenance Program out of planned increases for the Interior Department for FY 2017. Doing so will increase the percentage of BIA-owned roads and bridges maintained to an "acceptable" condition. In our territory, encompassing over 70,000 'reservation set-aside' acres, and just over 13 million acres of 'Ceded Territory' over which we have Natural Resources enforcement jurisdiction, failing roads impact our watersheds and habitats. The additional funds if appropriated would do much to protect those resources and habitats.

LRBOI appreciates many of the proposed increases in the President's fiscal year 2017 budget. We see the positive impact of ongoing meaningful consultation that is occurring through the Tribal Interior Budget Council and National Budget Formulation Workgroup. We urge the Committee to continue to support the efforts of these tribally- driven bodies to inform the work of the Administration and, ultimately, Congress. We also believe in the partnership that continues to evolve out of the federal Indian trust relationship. The United States and its 'Native First Nations' truly do share a "sacred bond" borne from treaties – a mutual exchange for the benefit of both, our respective lands and nations.

Little River Band appreciates the opportunity to present this testimony to the Committee on these important matters. I am happy to answer any questions the Members of the Committee may have.

KchiMiigwech (Many Thanks)  
Gdagaanaaganik (All Our Relations)

Mr. COLE. Well, thank you. And your full testimony will be in the record. So thank you very much.

Ms. LEWIS. Thank you.

Mr. COLE. Absolutely.

Mr. Carrick, you are recognized.

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FRIDAY, MARCH 18, 2016.

## **CHIPPEWA OTTAWA RESOURCES AUTHORITY**

### **WITNESS**

**LEVI D. CARRICK, SR., PRESIDENT, CHIPPEWA OTTAWA RESOURCE AUTHORITY**

Mr. CARRICK. Thank you. Mr. Chairman, members of the committee, thank you for having us today. I appreciate the opportunity to speak today.

My name is Levi Carrick, and I appear here today on behalf of the Chippewa Ottawa Resource Authority. CORA is the intertribal resource management organization that is established by the five tribes in Michigan that signed a treaty of March 28 of 1836. This treaty reserved the right to hunt, fish, gather on the lands and waters that were ceded to the United States, and this encompasses approximately two-thirds of the land in the State of Michigan and a large portion of the Great Lakes—Superior, Michigan, and Huron. I am also president of the Bay Mills Indian Community, which is one of the tribes that make up CORA.

I requested the opportunity to testify personally today to express CORA's appreciation for the Rights Protection Implementation, or RPI, funding that is in the request for CORA that is contained in the President's 2017 budget for the Department of Interior. The RPI program funds enable CORA tribes and their members to exercise the reserved right to manage, hunt, fish, trap, and gather on the lands and waters there were ceded.

But there is one line item in there, in the proposed budget for 2017, that is listed as intertribal resource management organizations "Evaluation and Research Activities—Climate Change." CORA supports the administration's proposed \$2.5 million increase for the climate change activities, but it does not support the administration's proposed competitive process for distributing this increase. It forces the tribes to compete for climate change funds that in direct contradiction to the trust relationship underlying RPI funding.

I testified last year that the tribes need to have the ability to be proactive rather than reactive to our environmental changes. Making the funding process competitive makes it much more difficult to be proactive, because we just can't plan, things are changing continuously. So protecting the resource should never be on a competitive basis.

CORA instead supports the allocation of those funds among the intertribal organizations based on the percentage that each organization will receive in the RPI funds as compared to the total amount requested in all RPI proposals for 2017. This is the same method that was used in previous fiscal years and it seemed to work well. We can live with that.

CORA leaders and tribal biologists have over the last 35 years been key contributors to interagency management committees that deal with our environment out there. Tribal biologists working individually and collaboratively with others have significantly contributed to our scientific knowledge of the Great Lakes and the natural resources involved. Tribal conservation officers and biologists work to ensure the sustainable use of the natural resources in an area of more than 13.5 million acres of land and large portions of the Great Lakes.

Whether on the Great Lakes or inland, tribal COs and biologists and their leaders will continue to be at the forefront as we all deal with new challenges brought on by climate change, invasive species, or any of the other factors that might change the ecology of the region or threaten our culture. CORA provides intertribal voice to coordinate and cooperate with the agencies of the United States, the adjoining States, and the province of Ontario to manage our natural resources to the seventh generation and beyond.

For this reason, CORA respectfully requests that you support the 2017 RPI funding at the level in recurring base funding, which is the amount outlined for CORA in the RPI program under the Department of the Interior Green Book for 2017, plus CORA's proportionate share of the climate change line items.

Thank you.

[The statement of Mr. Carrick follows:]

**TESTIMONY OF LEVI D. CARRICK, SR.**  
**CHAIRMAN – GREAT LAKES RESOURCES COMMITTEE**  
**OF THE**  
**CHIPPEWA OTTAWA RESOURCE AUTHORITY**  
**BEFORE THE**  
**COMMITTEE ON APPROPRIATIONS**  
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**  
**UNITED STATES HOUSE OF REPRESENTATIVES**  
**ON**  
**MARCH 18, 2016**

Mr. Chairman and Members of the Subcommittee:

My name is Levi D. Carrick, Sr., and I appear here today in my capacity as Chairman of the Great Lakes Resources Committee (GLRC) of the Chippewa Ottawa Resource Authority (CORA). CORA is an inter-tribal resource management organization established by five (5) federally-recognized Indian tribes in the State of Michigan. They are: the Bay Mills Indian Community; the Grand Traverse Band of Ottawa and Chippewa Indians; the Little River Band of Ottawa Indians; the Little Traverse Bay Bands of Odawa Indians; and the Sault Ste. Marie Tribe of Chippewa Indians. GLRC addresses issues of management, preservation and enhancement of all species and habitats which are within the Great Lakes resources. I also am proud to serve as the President of the Bay Mills Indian Community.

I requested the opportunity to testify before this Subcommittee in order to personally express CORA's appreciation for the *Rights Protection Implementation Program* (RPI) funding request for CORA, contained in the Presidents' FY2017 Budget for the Department of the Interior. RPI Program funds enable CORA's tribes provide for the exercise by their members of the reserved right to hunt, fish, trap and gather on the lands and waters ceded to the United States by our ancestors in Article 13 of the Treaty of March 28, 1836. That cession covers the eastern Upper Peninsula of Michigan and the northern 2/3 of the Lower Peninsula, as well as large portions of the upper three Great Lakes – Lakes Huron, Michigan and Superior.

I am sure that the importance of treaty reserved rights to Indian tribes and their members has been expressed in testimony before this Subcommittee many times, but that importance can never be overstated. Treaty hunting, fishing and gathering rights were essential to the existence of our ancestors and continue to be essential to our existence as Indian people; they preserve our access to culturally significant resources which are intimately connected to traditional ways of life. This importance is not symbolic; tribal members continue to rely on the ability to harvest natural resources for both commercial and subsistence purposes. It is our life way.

The tribes have always believed that these treaty reserved rights continue to exist, and were not extinguished or diminished by any act of the federal government. Unfortunately that was not a belief shared by the State of Michigan, which prosecuted tribal members for hunting, fishing and gathering at times or with methods which State law prohibited. This situation continued until the United States filed suit against the State of Michigan in 1973. It resulted in a decision in *United States v. Michigan* in 1979 upholding the right to fish in the ceded waters of the Great Lakes. This right was implemented by court-facilitated negotiations among the federal, state and tribal parties, that produced two Consent Decrees which provided for the allocation and management of the Great Lakes fisheries in the treaty area; the first one was entered in 1985 for a period of 15 years, and a successor agreement was entered

in 2000 for a period of 20 years, ending in August, 2020. It is that Decree which is listed as “Chippewa/Ottawa Treaty Fisheries” under CORA in the FY 2017 Green Book RPI Programs.

The CORA tribes receive base funding through the “Treaty Fisheries” line item for the following activities: to establish conservation-based fishing regulations; conduct biological monitoring of the fishery; carry out resource protection and enhancement programs and activities; staff conservation enforcement departments and adjudicatory bodies to resolve violations of the regulations; and provide an intertribal voice to coordinate and cooperate with the federal, state and international organizations which address Great Lakes resource matters.

The Great Lakes “model” provided a template for the parties in *United States v. Michigan*, who voluntarily entered into negotiations to resolve the scope of rights reserved by Article 13 in the inland 14 million acres of land and water of the cession. In 2007, their efforts produced a permanent Consent Decree, which encompasses the nature and extent of the right to hunt, fish, trap and gather by tribal members as regulated by their respective tribes; establishes protocols by which the resources are allocated between tribal and state-licensed harvesters; and provides collaborative resource management procedures for the CORA tribes and the State of Michigan.

The terms of the Inland Consent Decree envision the following responsibilities for the tribes: significant expansion of the tribes’ conservation enforcement programs; creation and maintenance of inland biological monitoring, assessment, restoration and enhancement programs; growth in tribal adjudicatory systems’ staffing, administration and financial support; and expansion of intertribal management mechanisms and procedures. It is the trust responsibility of the United States to provide stable, recurrent funding by which the Court Decree can be implemented by the tribes.

This element of the trust responsibility was finally recognized by the Administration and included in the Interior Green Book as an RPI Program for FY 2013. In response, the Congress appropriated \$461,000 for CORA in RPI funds, an amount which allowed each tribe to initiate permanent programs, albeit very small ones. This amount was increased by this Committee to \$1,605,714.00 in FY 2016, and is the amount requested by the Administration for these purposes in the FY 2017 Green Book for RPI Programs, listed as “Chippewa/Ottawa Inland Consent Decree”.

One final item is included in the RPI FY 2017 budget for all intertribal resource management organizations, which is entitled “Evaluation & Research Activities – Climate Change”. CORA supports the Administration’s proposed \$2.5 M increase for climate change activities, but does not support the Administration’s proposed competitive process for distributing this increase, in the event that it is approved by this Congress. CORA’s position is that competition for funding derogates the trust responsibility embodied by the RPI line item. The recipient tribes and tribal commissions receive RPI funds to carry out responsibilities established and ordered by Federal courts as the culmination of years of litigation. A competitive process for any portion of the resource management activities tribes undertake to fulfill their adjudicated responsibilities is a breach of the trust responsibility masquerading as fiscal accountability. CORA instead supports an allocation of those funds among the organizations based on the percentage that each listed inter-tribal organization will receive in RPI funds, as compared to the total amount requested for all RPI purposes for FY 2017. This is the same method used in previous Fiscal Years, and it has worked well. For CORA, that proportionate amount is \$681,355.

CORA tribes have participated in intertribal management and regulation of natural resources since 1982. For decades, we have been at the forefront of efforts to protect, enhance and restore the natural environment so that all human beings can enjoy the fish, wildlife and plants of our region for

generations to come. Already, the U.S. Fish and Wildlife Service is asking to consult on what type of resource management regime should replace the Great Lakes Consent Decree in 2020. The CORA tribes have proven to be an effective partner with agencies of the United States, the States, and the province of Ontario to manage our natural resources to the seventh generation and beyond.

For these reasons, the CORA tribes respectfully request your support for FY 2017 RPI funding at the level of \$4,746,355.00 in recurring base funding, which is the amount outlined for CORA in the RPI portion of the Department of Interior's Green Book for FY 2017, plus CORA's proportionate share of the "Climate Change" line item.

Thank you for your consideration. If you have any questions, I am pleased to answer them.

Mr. COLE. Thank you very much for your testimony.

And is it Isham?

Mr. ISHAM. Isham.

Mr. COLE. Mr. Isham, you are recognized.

Mr. ISHAM. Although all the nuns used to call Isham, and I never corrected them.

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FRIDAY, MARCH 18, 2016.

## GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

### WITNESS

**MIC ISHAM, CHAIRMAN, GREAT LAKES INDIAN FISH AND WILDLIFE  
COMMISSION**

Mr. ISHAM. Chairman Cole, members of the committee, good morning. My name is Mic Isham. I am currently the chairman of the Lac Courte Band of Lake Superior Chippewa Indians in what is now known as Wisconsin. And I am also serving as the chairman of the Great Lakes Indian Fish and Wildlife Commission. And on behalf of the Great Lakes Indian Fish and Wildlife Commission and our 11 member tribes and our 40,000-plus citizens, tribal citizens, I want to thank you for over 30 years of support for our treaty-reserved rights.

With your support of the rights protection implementation line item, we have been able to effectively comanage the natural resources in over 60,000 acres of our ancestral homeland where we continue to hunt, fish, and gather, just as we have for a thousand or more year, thousands of years. This homeland is located in the top third of what is now known as Michigan, Minnesota, and Wisconsin. And I think we have now provided you all with one of these packets.

As I listened today to all the other tribes and their tribal testimonies, I have heard many of the same issues that we are dealing with back home, health issues like diabetes, obesity, youth violence, gangs, drugs. And I am hard pressed to find any communities, Indian or non-Indian, that aren't dealing with those types of issues. And we have conventional strategies to deal with these issues, like police and our health centers and education, sports.

But one initiative that is having a positive impact is our intensive focus on getting our youth involved in exercising their treaty-reserved rights. At all our feasts, ceremonies, and funerals we are required to have four foods; that is fish, venison, wild rice, and berries. And our initiative is to instill in our youth their cultural identity. Now, it sounds simple, but in an era of MTV and video games and all that stuff, it is actually pretty hard.

When a kid is identified by their elders as the one who is fulfilling that cultural need, the one who is providing that rice and fish, that is a real powerful thing. We have a word for that. It is called Galyoseid [native language]. It means the provider, one who provides. And when the elders are referring to an individual as that, it is extremely powerful. It instills a pride like no other. So this identity, we believe, can effectively compete with fulfilling

their need to get their identity. Some kids fulfill that through going to a gang.

It also has a couple of other benefits, like what you have been talking about today. It gets the kids off the couch and away from those video games, and it takes intensive physical activity to engage in these treaty harvests. It is physically taxing to go out and get wild rice and harvest it all the way through. So finally get some activity.

And that same treaty rights focus has also another benefit to our people: the increased emphasis on traditional foods, as the gentleman before us here was talking about. We want to replace today's high-fat, processed, fast-food diet with a much more healthier traditional diet, and that will help us reduce obesity and diabetes. And there is scientific data on that. We, ourselves, have been working on also doing our own studies on that.

So while many would look at this type of funding as just funding a natural resource agency or a natural resource program, we see it as so much more. And so we are asking, again, that you support this funding request.

And with my remaining half hour, I would like to touch on the GLRI, if possible. We support that in our written testimony, but I am really hoping that we can tweak the way that the EPA administrators this program a little bit. The way it is now, the EPA determines priorities, and then the tribes have to try to fit into that. And you all know that each tribe is unique and different, and we can't always fit into those priorities. All our priorities are different. And so, hopefully, we can work on a program where there is a tribal set-aside and we can run our own program.

So, again, I want to thank you for your time. And I want to also thank all the other tribes that are doing their testimony, because I hear so many of the same issues—police, roads, BIA schools, everything.

So, again, Miigwech. Thank you.

[The statement of Mr. Isham follows:]

# GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

## • MEMBER TRIBES •

### MICHIGAN

Bay Mills Community  
Keweenaw Bay Community  
Lac Vieux Desert Band

### WISCONSIN

Bad River Band  
Lac Courte Oreilles Band  
Lac du Flambeau Band

Red Cliff Band  
St. Croix Chippewa  
Sokagong Chippewa

### MINNESOTA

Fond du Lac Band  
Mille Lacs Band



## FY 2017 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

### HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

MICHAEL J. ISHAM, CHAIRMAN

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

## 1. DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, OPERATION OF INDIAN PROGRAMS

- a. **TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI)** – At least the Administration's proposed **\$40,161,000** and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT** (the overall need for which is at least \$11,454,603).
- b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP)**: At least the Administration's proposed **\$14,266,000** and the TM/DP requests of GLIFWC's member tribes.
- c. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL CLIMATE RESILIENCE**: At least the Administration's proposed **\$13,056,000**.
- d. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES**: At least the Administration's proposed **\$6,770,000**.
- e. **TRIBAL GOVERNMENT, CONTRACT SUPPORT**: At least the Administration's proposed **\$278,000,000**.

**Funding Authorizations:** Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes.<sup>1</sup>

## 2. ENVIRONMENTAL PROTECTION AGENCY

- a. **ENVIRONMENTAL PROGRAMS AND MANAGEMENT, GEOGRAPHIC PROGRAMS, GREAT LAKES RESTORATION**: The current allocation of **\$300,000,000** and the creation of a Tribal program with funds of at least **\$25,000,000**. **GLIFWC's Need: \$1,200,000**.
- b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM**: At least the Administration's proposed **\$96,375,000**.

**Funding Authorizations:** Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

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<sup>1</sup> Specifically, the Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

#### GLIFWC's FY 2016 FUNDING REQUEST HIGHLIGHTS

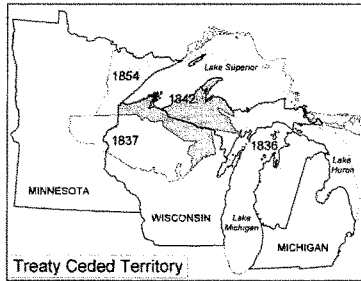
1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion as it has currently been receiving, while rejecting the notion that the RPI line item is open for a competitive process.
2. A tribal program within the Great Lakes Restoration Initiative funded with at least \$25,000,000 in funding, and GLIFWC's request of \$1,200,000.
3. Full funding for contract support costs, as required by the ISDEA Act.
4. Sufficient funding in the Tribal Management and Development line item for GLIFWC's member tribes to fulfill their needs for reservation-based natural resource programs.

#### GLIFWC's GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES

For more than 30 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) ensure member tribes are able to implement their treaty reserved rights to hunt, fish, and gather throughout the ceded territories; 2) ensure a healthy and sustainable natural resource base to support those rights; and 3) promote healthy, safe communities. These programs also provide a wide range of public benefits, and facilitate participation in management partnerships in Wisconsin, Michigan, and Minnesota.

#### GLIFWC's PROGRAMS – PROMOTING HEALTHY COMMUNITIES AND EDUCATING TRIBAL MEMBERS THROUGH TREATY RIGHTS EXERCISE

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in Minnesota, Wisconsin, and Michigan.<sup>2</sup> GLIFWC employs 83 full-time staff, including natural resource scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists.



GLIFWC strives to implement its programs in a holistic, integrated manner that is consistent with the culture and values of its member tribes, especially in light of tribal lifeways that the exercise of treaty rights supports. This means not only ensuring that tribal members can legally exercise their rights, but supporting community efforts to educate them about the benefits (physical, spiritual, and cultural) of harvesting and consuming a more traditional diet, as well as promoting intergenerational learning and the transmission of traditional cultural and

<sup>2</sup> GLIFWC's programs do not duplicate those of the Chippewa-Ottawa Resource Authority or the 1854 Treaty Authority. GLIFWC also coordinates with its member tribes with respect to tribal treaty fishing that extends beyond reservation boundaries by virtue of the Treaty of 1854 and the reservations' locations on Lake Superior.

management practices. These programs, in turn, promote healthy communities by encouraging healthy lifestyles, intergenerational connections, and cultural education.

GLIFWC and its member tribes thank Congress, and particularly this Subcommittee, for its continuing support of these treaty obligations and its recognition of the ongoing success of these programs. There are two main elements of this FY 2016 funding request:

**1. BIA GREAT LAKES AREA MANAGEMENT (WITHIN THE RPI LINE ITEM):** A proportionate share of the \$40,161,000 proposed by the Administration for the RPI line item, including the proposed \$2,500,000 increase. The Administration's proposed increase for climate change in RPI for FY 2017 is greatly appreciated, but competition for funding has no place in this line item. RPI provides funding for tribes and tribal commissions to meet Federal court litigated responsibilities. Fulfilling these obligations cannot be the focus of a competitive process. GLIFWC has always supported allocating increases to the RPI line item in the historically proportionate amounts.

GLIFWC has testified about the fact that the need is consistently greater than RPI funding, and the impacts that underfunding has on treaty rights programs. RPI climate change funding has allowed GLIFWC to undertake a new climate change program to better understand the physical, chemical and biological changes occurring in ceded territory ecosystems, develop and implement adaptive management strategies to address those changes, and provide technical assistance to GLIFWC member tribes. This program is in its infancy, and continued support would allow it to be further developed and integrated into GLIFWC's overall programs.

Tribes can only protect the resources that support their rights if they undertake relevant scientific and technical analyses that inform the design and implementation of adaptive natural resource management activities. To this end, maximum flexibility should be provided to GLIFWC and its tribes to define for themselves the science and research activities best suited to the needs of their member tribes and the particular issues within their region. GLIFWC would gladly accept funds in proportion to overall RPI funding, as provided in FY 2016.

**2. EPA Environmental Programs and Management: \$300,000,000. GLIFWC: \$1,200,000.** GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) as an important non-regulatory program that enhances and ensures coordinated governance in the Great Lakes, as well as substantive natural resource protection and restoration projects. GLIFWC supports funding the GLRI at \$300 million, the level that has been provided since 2011. Effective Great Lakes programs throughout the basin require a consistent funding level of \$300 million.

GLIFWC also recommends that at least \$25 million be provided through a distinct tribal program to fulfill treaty obligations, meet trust responsibilities, and achieve tribal self-determination and self-governance in protecting and restoring the Great Lakes. A separate tribal component should allow for greater flexibility to allow tribes to develop the programs that are of the highest priorities to their communities, rather than having priority projects designed for them by federal agencies.

Sustained funding for GLIFWC at approximately \$1.2 million will enable GLIFWC to augment its current natural resource protection and enhancement activities. It will also allow GLIFWC to maintain its participation in interjurisdictional governance structures, including the implementation of the revised Great Lakes Water Quality Agreement (GLWQA). With GLRI funding, GLIFWC has been able to provide active support on numerous implementing Annexes, including the Lakewide Action and Management Plan, Aquatic Invasive Species, Chemicals of Mutual Concern, and Science Annexes.

GLRI funding has also allowed GLIFWC to continue to provide culturally relevant and targeted mercury-based consumption advice for fish. Tribal members are disproportionately impacted by the presence of mercury in fish due to their higher rate of consumption. Contaminated fish threaten the tribes' ability to exercise their treaty guaranteed right to harvest fish off reservation throughout the ceded territory.

#### **RESULTS AND BENEFITS OF GLIFWC'S PROGRAMS**

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**1. MAINTAIN THE REQUISITE CAPABILITY TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS:** While more funding would increase program comprehensiveness, sustained funding at the FY 2017 level supports tribal compliance with various court decrees and intergovernmental agreements that govern the tribes' treaty-reserved hunting, fishing and gathering rights. Funding for science and research enhances GLIFWC's capability to undertake work and participate in relevant partnerships to address ecosystem threats that harm treaty natural resources, including those related to climate change.

**2. REMAIN A TRUSTED MANAGEMENT AND LAW ENFORCEMENT PARTNER, AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION:** GLIFWC has become a respected and integral part of management and law enforcement partnerships that conserve natural resources and protect public safety. It brings a tribal perspective to interjurisdictional Great Lakes management fora and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.

**3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS:** Over the years, GLIFWC has become a recognized and valued partner in natural resource management. Because of its institutional experience and staff expertise, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources; ii) maximize each partner's financial resources and avoid duplication of effort and costs; iii) engender cooperation rather than competition; and iv) undertake projects that achieve public benefits that no one partner could accomplish alone.

**4. ENCOURAGE AND CONTRIBUTE TO HEALTHY TRIBAL COMMUNITIES.** GLIFWC works with its member tribes' communities to promote the benefits of treaty rights exercise. These include the health benefits associated with a more traditional diet and the intergenerational learning that takes place when elders teach youth. In addition, GLIFWC sponsors a camp each summer where tribal youth build leadership skills, strengthen connections to the outdoors, and learn about treaty rights and careers in natural resource fields.

Mr. COLE. Thank you very much for your testimony.

And let me start just quickly. I want to make a point. I know a couple of the others, Ms. Lewis and Mr. Wawronowicz—excuse me.

Mr. WAWRONOWICZ. Larry.

Mr. COLE. Larry. How are you doing, Larry?

Both mentioned the administration proposal on Generation Indigenious. That is actually mostly funded in the Labor, Health and Human Services budget, which I chair. And the administration began, much to their credit, last year to put more emphasis on Native youth, and we pretty much fully funded them, and I suspect we will again. We think that is a very good initiative, a wonderful legacy for the President.

And also, just to put a plug for this committee, for 4 or 5 years in a row it actually put more money in Indian health and the BIA than the President asked for. And that is no criticism of the President, because he certainly was asking for increases, but we know there has been a lot left undone and there is a lot of the trust responsibility that has not been met. And we all wish we could wave a wand and fix it in a year. We can't do that, but we have been able to at least put it on the right course.

A number of you mentioned the progress we had made in health care in some areas, the deficiencies we have got in others. Just so you know, not only have we had a major increase, but you can, on the one hand, you can say, gosh, 50 percent, that is really pretty good. But if you looked at it on per person, Indians get fewer dollars spent on their health care than anybody else in the country by a long shot.

I mean, a couple of years ago, and I think the numbers haven't changed all that much, the average American got about \$6,900 worth of health care a year, the average Medicare recipient about \$11,000, the average veteran about \$7,800, the average prisoner, Federal prisoner, about \$5,200, the average Native American, about \$2,700. So that is how far back we have fallen in terms of providing adequate health care.

So we are doing everything we know both in terms of pushing up the Federal budget and working in some of these innovative programs. I don't know if you were here early enough to hear Chief Baker of the Cherokee Nation talk about the joint venture effort where, basically, they are an affluent tribe, or a big tribe, they are building the facility, and then we staff it and operate it. Let's just leverage the dollars a little bit.

Now, not every tribe can do that, and it is our obligation. But we are trying to find some creative ways to close that gap down a little bit more.

But it helps when you travel and educate the committee. So thank you for taking the time to come, and it certainly helps our staff as well, because there is nothing like eye to eye, get the testimony, and actually visit with people about these things. It is extremely helpful, not only for your own individual tribe, but, as Mr. Isham said, when you hear it over and over again from tribe after tribe after tribe it drives it. But it shows you where the common deficiencies are, where the common challenges are.

And, again, this has been an area—you hear a lot about how divided we are in Washington, D.C., and we certainly are in this election year sometimes. But not on this. And this committee has worked really well under a Democratic chairman and Republican chairman. My friend, Mr. Simpson, was one of those chairmen, and our friend Mr. Calvert, who is only not here because he literally has national security work that he is involved in and he had to leave last night. And their predecessors, Mr. Moran, Mr. Dicks, both Democrats, exactly the same way.

This journey has started, and we are pretty determined to keep moving the ball forward both in this subcommittee and, I can tell you, in the Labor, and Health and Human Services. I think we actually increased the pot of money that goes to the variety of Indian programs here by about 40 percent last year. It was a big increase. But, again, it was an increase, to the administration's credit, they asked for. They came and made a very good case.

And so, anyway, we will try and continue to work with you.

I went on a little long, but I am going to call my friend, the ranking member, to offer observations or ask questions.

Ms. MCCOLLUM. It was all good, Chairman Cole, because you took care of the health care, and so I can focus on the environment.

I want to speak for the record about the environmental work you are doing with the federal dollars and tribal dollars, and leveraging State dollars and university dollars. Whether it is in Red Lake, Mille Lacs, and Leech Lake, understanding what is going on with our walleye population; or Fond du Lac, with what is going on with moose. We are finding out that we really didn't study them, and the moose population is very, very fragile right now.

Climate change is playing a role in the challenges we are facing, as are invasive species, whether it is milfoil or zebra mussels that we are dealing with. The pine beetle, emerald ash borer. I mean, I could go on and on and on.

I set that up because I want you to take a minute and talk about how we can do a better job in consultation, because you have all touched on it in different ways. One of the things that I have been focusing on—and I give kudos to my Governor, Governor Dayton, for stepping up—is better consultation with tribal nations as the discussion was going on about sulphate mining. Our water systems are really, really, interconnected in the Great Lakes area, our water basin is, and making sure that we, first, do no harm is critical.

I know you would like to see us talk a little bit more about protection rather than always having to go to restoration. If you could take a minute amongst whoever wants to kind of kick it off. I am not going to pick favorites here.

Mr. ISHAM. I am going to press the button.

Ms. MCCOLLUM. Oh, the Green Bay Packer guy went first. Come on, guys. Help a Viking fan out.

Mr. ISHAM. Well, I don't want to mention anyone on my wide left here. Sorry about that.

Okay. Let me focus back on the question here.

Well, you mentioned how you can do better at consultation. One thing is that it is important that tribes be in the room. I talked earlier about how EPA develops the priorities and then we have to

fit into them. I think the tribes have got to be involved more at the beginning level or at the top level instead of trying to, as Jim says, they develop the hole and the peg and then we have to force fit it in there.

So I think that is a real important issue that we are involved, because we are so uniquely different. You mentioned a bunch of different invasive species, and some tribes are fishermen and women, some tribes are wild rice people, some tribes hunt moose, and we are just all so different that each program should be uniquely crafted by the tribes themselves instead of EPA deciding that.

So that is one anyway. And also, while I have the mike here, I want to thank everyone for their support of our—

You mentioned Bugonaygeshig earlier. Our kids at Waadookodaading School got to sing for the President. I don't know if any of you were there at the White House summit. But they didn't do the "Hail to the Chief" like they usually did. Kids from my Waadookodaading School got to drum and sing for the President. And that program that we have, our school was saved. And so I want to put in a word for Bugonaygeshig too.

But it is through these programs and getting those kids at that age involved in the culture and the treaty rights that then can help solve a lot of the problems that we talked about today.

That is my half hour.

Mr. COLE. That was well said.

Mr. Simpson.

Mr. SIMPSON. That is well said.

Just one question. This is the first time I have ever really heard in the hours and hours and hours that we have sat over the years on this committee, of underground storage tanks, and leaking underground storage tanks.

Ms. MCCOLLUM. It is called the LUST fund.

Mr. SIMPSON. I know. That is why I didn't say it.

I didn't know that was an issue on reservations, and that it is a problem. And I used to know this, and Betty probably knows this stuff better than I do, but I used to know it at one time, but I am getting old.

How is that fund funded? Is there a special tax that goes into fund that?

Ms. MCCOLLUM. Yeah. It is a petroleum tax.

Mr. SIMPSON. That just goes into the EPA—into the underground storage tank fund or the leaking fund or whatever you want to call it—LUST fund?

Mr. COLE. It will get better funded.

Mr. SIMPSON. Yeah. But it just goes into that, and then it is appropriated out?

Mr. WAWRONOWICZ. To States mostly.

Ms. MCCOLLUM. To the States. And then sometimes the States will also contribute. When I was in the Minnesota State house, we kicked in a little more, because we wanted to knock out as many as we could.

Mr. SIMPSON. We had a tax in Idaho, a transfer fee tax, but our courts ruled that unconstitutional, but it went into that also at one time.

Ms. McCOLLUM. Excuse me, Mr. Chair—when we were in Navajo Nation, I have a picture of what we saw. It was a building with a lot of graffiti, and it was an abandoned gas station. I was asking about the LUST funds there and the tribal leaders were saying that by the time it gets distributed and it gets down to the reservations, they don't see any of it.

Larry, you have some more statistics in here. Maybe there is something you want to add.

Mr. SIMPSON. I was reading those statistics.

Mr. WAWRONOWICZ. Yeah. I mean, I think at one time within Indian Country there were 1,300-plus sites that were identified. And a lot of them were cleaned up, and I think there are 298 of those sites that will need some work. But what we are afraid of is that that 1,375 sites doesn't really indicate how many are there. And even just to go ahead and fix the 298 that are identified you need a good amount of dollars to do that.

What happens a lot of times, like in checkerboard reservations, where you have tribal and allotted lands and fee land status, the State of Wisconsin, for example, would come in and deal with the ones that are on non-Indian land. So they may not be included in that 1,375 that are associated with, identified in Indian Country.

And we have 25 of those sites on the reservation that were closed by using State funds, PECFA, and one of them in particular, the Haskell Lake, Tower Lake standard, was closed under State statutes, and we found out later that it had still 9,100 parts per million benzene and lead concentration, stuff like that. And we are trying to work with the State, EPA, and the BIA, and us to try to get it cleaned up.

Mr. SIMPSON. But there is no requirement that part of the fund go to reservations or Native American tribes or anything for clean-up.

Mr. WAWRONOWICZ. Right.

Mr. SIMPSON. It is just at the time of discretion.

Mr. WAWRONOWICZ. Right. Sometime we have to get that funding through headquarters, EPA, in order to deal with it. And I think there is 1.69 million. Our particular site is a small site, and it is about \$250,000 to \$300,000 just to get it cleaned.

Mr. SIMPSON. Okay.

Mr. ISHAM. This is an example of why I think it is important to tribes to be able to, like, under GLRI, run their own program. Because the way Lac Courte Oreilles dealt with this issue is through the EPA GAP program where each tribe has the set-aside and we develop our own unique programs. We dealt with all our underground storage tanks as a priority early on, and we have taken care of all of our underground storage tank issue.

And so it is an example of how, when you run your own program, you can tailor it to yourself. And that is how we use our GAP—used our GAP funds, now we have switched priority.

Mr. SIMPSON. Thank you.

Mr. WAWRONOWICZ. Thank you.

Mr. COLE. Well, thank you very much. We appreciate it. You have educated us yet again. So we appreciate it very much.

If we could, for our last panel of the morning, I know we are running a little late, so we thank all of you. Thank you for your indulgence.

Mr. Miller, Ms. Cormell, and Ms. Martin.

Welcome. It is good to have all of you here. And thank you for traveling all this distance to give some testimony.

Mr. Miller, you are recognized for 5 minutes.

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FRIDAY, MARCH 18, 2016.

## **ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS**

### **WITNESS**

**TOM MILLER, PRESIDENT, ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS**

Mr. TOM MILLER. Good morning, Chairman Cole and committee members. I am the President of the Association of Community Tribal Schools, and we represent a number of schools in the BIE-funded system.

First off, I would like to thank you for the fiscal year 2016 appropriations. Drastically needed.

I will get right into the testimony in order to speed up here. If you look at our testimony, you can see by our charts that we are in a perpetual state of catchup. I have been the administrator of the Hannahville Indian School, so I have worked in the product that I am talking about, the schools and the students.

We have a need of having an increase at least to our five major areas, categories within the BIE appropriations of the ISEP formula. We need a 2 to 3 percent increase. We need a 2 to 3 percent increase in student transportation. We need that in operations maintenance, and then the grant support cost. And I noticed that some of the conversation today was on the facilities, which is one of our biggest areas.

The GAO report on the health and safety kind of reinforces what we are talking about. The school that was mentioned today, Bugonaygeshig school, very familiar with the school, worked with it closely for some 30-some years, in drastic need of replacement.

The conditions that some of our schools are in, we needed the increase in O&M not only to increase what the condition is, but just to hold harmless. We have a problem here. When we are given operation and maintenance dollars that are not enough in the first place, we end up with a cycle. We take an old building, we try to maintain that building, and we end up with an old building maintained. That is the cycle here that we are in.

What we would like to do and what needs to be done here is that there needs to be, first off, fully funding on the formula amounts. It is kind of strange to me, as a school administrator, when you use a formula amount and you never fund it. The formula does you some good, but really not a lot when we have been in the operation and maintenance areas with 50 percent constraintment. Now, that to me is totally—I don't know, I can't fathom exactly why they do that. But that has happened to us.

One of the things, I think, besides the 2 to 3 percent yearly increase in those five major areas we have, we need to get construc-

tion, and it is got to be some common sense. I went through with Roger Bordeaux, the executive director of the association, we went through the facility condition index of all of the schools. If you take that there are 60 that need to be replaced, they are in deplorable conditions, here is the reality of the situation: If you fund five a year, and it takes 3 to 6 years to build it, we are going to be in a different century before that last school is done.

So that is the problem we have, and when you look at it from a real, frank situation here, is that there has to be something done to bring those schools that have asbestos, there are schools that were built in the 1930s, 1950s even, today it is 60 years old, but we need to get those things addressed and we need to get them addressed quickly.

I am in my last year as an administrator at Hannahville School. I retire. I am not going to get out of this entirely. But, the fact is I am singing the same song three decades earlier. I started in 1980 testifying, and I am doing the same thing again today. The hair has changed a little bit.

So I guess what I am trying to get across here is that we need to seriously work at increasing, of course, our first five areas. But in addition to that, in the operation and maintenance, which is critical, we need to get some real movement on facility replacement. And it is going to be a sting. We have talked about operation and maintenance. We can do that part by either fully funding the formula or, in addition with that, forward funding the formula a year, kind of taking it out of the political game here for a while.

But we need to do things like that. And I have been at this long enough now, I have been through systems, GAO kind of refers to, FACCOM started back in 1980, FMIS came in, now we are in MAXIMO. I still haven't figured out MAXIMO. I will eventually, but I haven't figured it out yet.

But those things were never fully implemented. It is kind of like we are always up here kind of referring to the same things, but it is because the same things keep happening. I know this thing about doing the same thing and coming up with a different result, it doesn't normally happen.

We are trying to get some change here, and I think with an expectation that we can increase 2 to 3 percent, we are going to catch up. It is going to take a long time. Maybe we will never catch the national average, I don't know. But in the operation and maintenance and the facilities, we have to do something. These schools, like the ones that I have visited, and those of you who have, know what the condition there is, you wouldn't send your kids to. These kids go because they have to.

So I think that our overall intent is just to provide our students with a safe and healthy learning environment. We do that, I will retire—

Mr. SIMPSON. Happy?

Mr. TOM MILLER [continuing]. A happy person. Yes, I would.

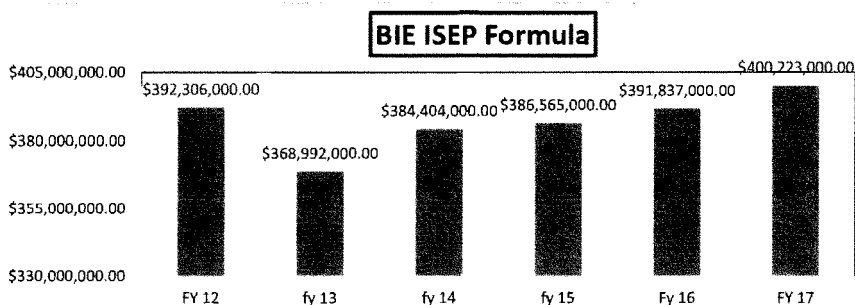
[The statement of Mr. Tom Miller follows:]

## FY 17 Appropriations Testimony

My name is Dr. Roger Bordeaux; Executive Director of the Association of Community Tribal Schools Inc. (ACTS). WE WANT TO THANK YOU FOR FY 16 Omnibus Appropriations.

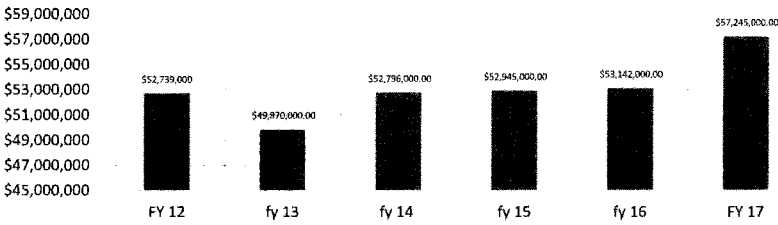
The tribal school movement started in 1966 with Rough Rock Demonstration School in Arizona. Currently there are over 30,000 students in 129 tribal elementary and secondary schools. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico.** ACTS represents a significant number of the students in the 129 tribally controlled elementary and secondary schools. ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

**The following charts illustrate the revenues over the few years.**

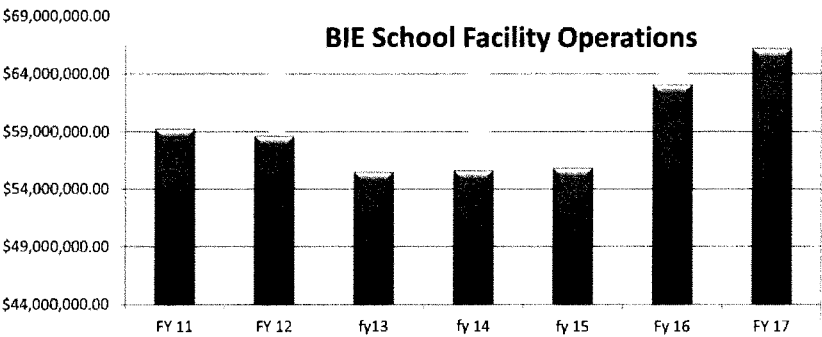


FY 17 Appropriations Testimony

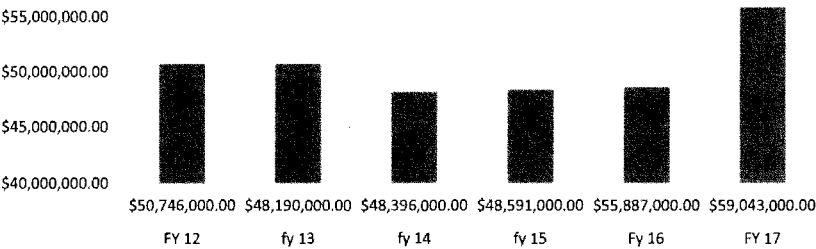
Student Transportation



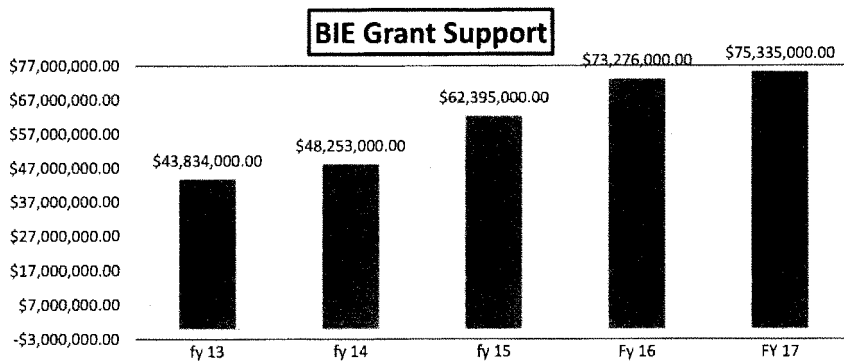
BIE School Facility Operations



BIA School Facility Maintenance



## FY 17 Appropriations Testimony



### Requested Action

1. Divert BIE-Elementary/Secondary Programs-ISEP Program Adjustments and Education Program Enhancements to ISEP. These funds often used to continue paternalistic practice of telling tribes and schools what is best for their children. (\$ 17,472,000)
2. Increase Early Child and Family Development (allow for expansion) \$ 15,000,000
3. Continue to annually increase these accounts for next 3 years to reach need:
 

BIE-Elementary/Secondary Programs – ISEP	\$ 10,000,000
BIE-Elementary/Secondary Programs-Facility Operations	\$ 4,000,000
BIE-Elementary/Secondary Programs-Student Transportation	<u>\$ 3,000,000</u>
	<u>\$ 17,000,000</u>

4. Construction – Education Construction. The BIA reported a nearly \$ 75,000,000 annual facility deterioration rate, \$ 388 million in deferred maintenance and also reports a \$ 4.4 billion school replacement value.

#### Annual Need

Replacement School Construction	\$ 65,000,000
Replacement Facility Construction	\$ 25,000,000
Employee Housing Repair and Replacement	\$ 10,000,000
Facility Improvement and Repair	\$ 90,000,000

Eliminate these Administrative Provisions:

Mr. COLE. Thank you for your testimony.  
 Ms. Cormell, you are recognized for 5 minutes.

FRIDAY, MARCH 18, 2016.

## ST. CROIX CHIPPEWA TRIBE OF WISCONSIN

### WITNESS

**SARAH A. CORMELL, HEALTH CLINIC DIRECTOR, ST. CROIX CHIPPEWA INDIANS OF WISCONSIN**

Ms. CORMELL. Good morning and miigwech. Thank you, Chairman Cole, Ranking Member McCollum, and Congressman Simpson. Thank you for allowing me the opportunity. I have submitted my testimony for the record and would just like to take this opportunity to highlight a few of the points.

Naawaakamaagookwe Biidishbiikibidaanikwe Niindizhinakaaz. St. Croix Indians of Wisconsin niindoonjibaa. My name is Sarah Taylor-Cormell, and I am the secretary of health and human services for the St. Croix Chippewa Indians of Wisconsin.

We are spread out over a five-county area in northwest Wisconsin, and we border the Minnesota border, and we also have a small tribal community in the eastern side of Minnesota, and we share that service area with Mille Lacs.

What ends up happening is we are competing for funds in Wisconsin and in Minnesota, and this competition for funds is the form of area office funds that are allocated and usually allocated at only 60 percent. Last year, as I state in my testimony, we had already made cuts, layoffs, because we have had continuous growth over the past 5 years under my leadership and substantial growth prior to my administration. However, because funding doesn't keep up with that growth, we are faced with do we make cuts with services or do we make cuts with hours?

Because we want our community members to depend on the services as with any medical home or human service, we are looking at sustainability of that growth, which is not possible with the allocations that we receive.

Last year, during budget allocations, prior to negotiations, I contacted our area office and contacted BIA, BIE to find out how do we increase funds, how do we make sure that we have more funds based on patient counts. And when I started talking about patient counts, some of the system responses are: Well, there is no guarantee there will be more money. And it is almost automatic. And it is like: Okay, and that is fine, but what do we use as a formula? How do we find out are we at the highest allocation fund? If there are more moneys given to us, somebody else had a decrease, because it is a finite pool within each of the areas. And that is every Federal funding for us, whether it is his, BIA, BIE, block grants, you name it.

Bottom line is, we are pitted against one another to compete for funds to provide the services, and although we will go through those processes, and I thank you for your testimony, it is not just in one area. It is across the board.

In addition to not having the funds adequate to not only sustain growth but to grow, we also have sequestration. And you are mak-

ing across-the-board cuts for there. Or, in addition to that, trying to find out how do we float, because it was a continuing resolution for 1.67 while the agreed-upon budget is waiting to be allocated.

This year alone, we ended up laying off several employees. And I had to sit and pick, what can I tell my council about what is an appropriate cut? Where can we say we don't need this service for our community members? What is reasonable? And in my mind, what I tell my staff when I am talking about morale, nothing is reasonable. We worked hard to get to where we are. We need these services, and we need to be able to provide them consistently. However, when you are chronically underfunded, that is a challenge.

And then, when you only receive 38 percent of your funding into 6 months of your fiscal year, you are trying to figure out, okay, how do we make payroll this week? And, please, don't share that with the staff. And that is the reality.

So when I go to these meetings, whether it is MAST, or I was here for budget negotiations at the Federal level with DHS, and we talk about the underfunding, and we talk about the progress, and there has been progress. I am a child of Indian Health Service. You know, I grew up at [speaking native language]. But I also have my master's in social work from UW-Madison. And I was determined to make a difference with our people.

And in order to do that, I need more. We need more funding. We need a fair assessment of what is allocated now, what is that determination, a clear answer to tribes, how do we do the allocation?

What I didn't submit, but I could submit if you would like for the record, I can get a copy to you, these are the formulas. And price variation, 28 percent purchase, price index, benchmark, exclusions of wraparound, percentage depreciation, balance of area shares, it is one, two, three, four—four-step allocation process.

[More information to follow:]

## 2001 FEHP Disparity Index and IHCIF Calculations for Operating Units

**St Croix - Bemidji Area***Handwritten signature/initials*Users

- 1,649 = 1,543 users in 2001 plus 106-users residing outside CHSDA boundaries

Apply local variations to the national FEHBP \$3,582 benchmark

- Price Variation:  $\$1,036 = 28\% \text{ purchase} \times 104.8\% \text{ price index} \times \$3,582 \text{ benchmark}$
- Size Variation:  $\$3,101 = 72\% \text{ in-house} \times 119.6\% \text{ size index} \times \$3,582$
- Combined Benchmark:  $\$4,137 = \$1,036 \text{ purchase} + \$3,101 \text{ in-house}$
- Replace national AI/AN health status add-on with local health and poverty add-ons:  
 $\$4,983 = \$4,137 - \$716 + \$795 \text{ health add-on} + \$168 \text{ poverty add-on}$
- Final Benchmark:  $\$4,412 = \$4,983 \times 1.0065 \text{ rescale \%}$
- Net Benchmark:  $\$3,508 = \$4,412 - \$904 \text{ (M\&M\&PI)}$

Current Funding by IHS

- Funds for FEHP:  $\$1,725,532 = \$1,919,052 \text{ FY 2001 OU allowance}$   
- \$381,983 exclusions for wrap-around  
+ \$0 depreciation of facilities (if any)  
+ \$47,464 balance area shares + \$87,870 prorated area-wide funds  
+ \$24,977 balance HQ shares + \$28,152 prorated IHS-wide funds  
+ crossover credit - crossover debit (among IHS areas only)
- IHS Funds per User:  $\$1,047 = \$1,725,532 / 1,649 \text{ users}$

FEHBP Equivalence Calculation

- FEHP Equivalence Funding:  $\$5,783,071 = \$3,508 \text{ benchmark} \times 1,649 \text{ users}$
- IHS Funds:  $\$1,725,532$
- Equivalence %:  $29.8\% = \$1,725,532 \text{ IHS \$} / \$5,783,071 \text{ benchmark} \times 100$

FY 2001 IHCIF

- $\$23,000,000$  in FY 2001 IHCIF
- \$960,000 is required for a minimum 30% LNF and \$10,000 for qualifying OUs
- $\$22,040,000 = \$23,000,000 - \$960,000$
- $\$411,009,540 = \text{aggregate \$ needed to get all OUs to 60\%}$
- $5.3624\% \text{ IHCIF fraction} = \$22,040,000 \text{ fund} / \$411,009,540 \times 100$

St Croix IHCIF Allocation

- $\$1,744,317 = \$ \text{ to raise St Croix from } 29.8\% \text{ to the } 60\% \text{ threshold}$
- $\$94,000 \text{ Allocation} = \$1,744,317 \times 5.3624\% \text{ IHCIF fraction} + \$0 \text{ OU Minimum}$

Table 8 -- FY 2002 IHCIF Distribution-- Revised May 6, 2002

## Distribution of the FY 2002 \$23 Million IHCIF

## Summary for IHS Areas

Area	Allocation Title	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Adults		100,000	100,000	100,000	100,000	100,000	100,000
Adults Total		100,000	100,000	100,000	100,000	100,000	100,000
Children		100,000	100,000	100,000	100,000	100,000	100,000
Children Total		100,000	100,000	100,000	100,000	100,000	100,000
Seniors		100,000	100,000	100,000	100,000	100,000	100,000
Seniors Total		100,000	100,000	100,000	100,000	100,000	100,000
Disability		100,000	100,000	100,000	100,000	100,000	100,000
Disability Total		100,000	100,000	100,000	100,000	100,000	100,000
Substance Abuse		100,000	100,000	100,000	100,000	100,000	100,000
Substance Abuse Total		100,000	100,000	100,000	100,000	100,000	100,000
Domestic Violence		100,000	100,000	100,000	100,000	100,000	100,000
Domestic Violence Total		100,000	100,000	100,000	100,000	100,000	100,000
Sexual Assault		100,000	100,000	100,000	100,000	100,000	100,000
Sexual Assault Total		100,000	100,000	100,000	100,000	100,000	100,000
Stalking		100,000	100,000	100,000	100,000	100,000	100,000
Stalking Total		100,000	100,000	100,000	100,000	100,000	100,000
Child Abuse		100,000	100,000	100,000	100,000	100,000	100,000
Child Abuse Total		100,000	100,000	100,000	100,000	100,000	100,000
Grand Total		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

**Table 8 -- FY 2002 IHCIF Distribution-- Revised May 6, 2002****Distribution of the FY 2002 \$23 Million IHCIF**

Agency	Operating Unit	User	%	FY 2001	%	Allocated	User	%
Aberdeen	Bar & Fox	1,412	33%	\$1,214,588		\$43,593		57%
Aberdeen	Winnebago	4,312	78%	\$0		\$0		76%
Aberdeen	Omaha	3,462	57%	\$354,561		\$19,000		57%
Aberdeen	Santee	1,176	41%	\$773,390		\$41,000		42%
Aberdeen	Northern Ponce	1,667	49%	\$629,364		\$34,000		50%
Aberdeen	Turtle Mountain	14,303	66%	\$0		\$0		66%
Aberdeen	Standing Rock	9,960	45%	\$4,412,054		\$237,000		46%
Aberdeen	Spirit Lake (Ft. Totten)	5,206	45%	\$2,469,740		\$132,000		46%
Aberdeen	Three Affiliated (Ft. Berthold)	6,025	44%	\$2,871,999		\$154,000		45%
Aberdeen	Trenton	1,583	48%	\$646,240		\$35,000		49%
Aberdeen	Rapid City	11,019	47%	\$4,006,493		\$215,000		48%
Aberdeen	Cheyenne River	8,131	45%	\$3,630,888		\$195,000		46%
Aberdeen	Pine Ridge	21,716	60%	\$0		\$0		60%
Aberdeen	Rosebud	12,349	58%	\$997,051		\$48,000		58%
Aberdeen	Sisseton-Wahpaton	6,192	43%	\$3,251,480		\$174,000		44%
Aberdeen	Yankton	4,658	54%	\$841,438		\$45,000		55%
Aberdeen	Flandreau	1,783	39%	\$1,265,035		\$68,000		40%
Aberdeen	Crow Creek	3,682	53%	\$798,373		\$43,000		54%
Aberdeen	Lower Brule	1,967	54%	\$380,035		\$20,000		55%
Aberdeen Total		120,593	53%	\$28,525,847		\$1,529,000		54%
Alaska	Aleutian Pribilof Islands Association	928	60%	\$15,633		\$10,000		60%
Alaska	Arctic Slope Regional Tribe	4,516	58%	\$428,690		\$23,000		58%
Alaska	Bristol Bay Area Health	6,292	70%	\$0		\$0		70%
Alaska	Chugachmiut Tribe	1,752	54%	\$511,181		\$27,000		54%
Alaska	Copper River Native Association	542	93%	\$0		\$0		93%
Alaska	Eastern Aleutian Tribe	959	38%	\$1,109,092		\$59,000		39%
Alaska	Kenaitze Indian Tribe	1,501	49%	\$670,697		\$36,000		50%
Alaska	Ketchikan Indian Corporation	2,937	38%	\$3,086,304		\$166,000		39%
Alaska	Kodiak	2,402	52%	\$938,911		\$50,000		52%
Alaska	Maniilaq	7,117	91%	\$0		\$0		91%
Alaska	Metlakatla Indian Tribe	1,303	36%	\$1,564,003		\$84,000		37%
Alaska	Misc. Anchorage Tribes	358	120%	\$0		\$0		120%
Alaska	Ninilchik	275	51%	\$128,564		\$10,000		52%
Alaska	Norton Sound	6,910	59%	\$196,654		\$11,000		59%
Alaska	Seldovia	500	48%	\$301,864		\$16,000		49%
Alaska	Southcentral Foundation	32,918	76%	\$0		\$0		76%
Alaska	Southeast Alaska Regional	12,062	60%	\$0		\$0		60%
Alaska	Tanana Chiefs Conference	13,751	39%	\$12,225,672		\$656,000		40%
Alaska	Yukon Kuskokwim	21,993	40%	\$17,819,389		\$958,000		41%
Alaska Total		139,016	58%	\$38,998,654		\$2,104,000		59%
Albuquerque	Albuquerque	30,865	42%	\$12,714,297		\$682,000		43%
Albuquerque	Acorna-Canoncito-Laguna	11,219	55%	\$1,322,044		\$71,000		56%
Albuquerque	Mescalero	4,414	51%	\$1,022,484		\$55,000		52%
Albuquerque	Santa Fe	17,451	61%	\$0		\$0		61%
Albuquerque	Zuni	8,827	56%	\$848,559		\$46,000		57%
Albuquerque	Ramah	2,014	52%	\$501,964		\$27,000		53%
Albuquerque	So Colorado Ute	5,668	51%	\$1,359,818		\$73,000		51%
Albuquerque	Ysleta Del Sur	702	109%	\$0		\$0		109%
Albuquerque	Jicarilla	3,119	51%	\$823,679		\$44,000		51%
Albuquerque Total		84,279	52%	\$18,692,648		\$988,000		52%
Bernidji	Bad River	1,985	39%	\$1,288,849		\$69,000		41%
Bernidji	Bay Mills	1,215	33%	\$1,156,513		\$62,000		34%

**Table 8 -- FY 2002 IHCIF Distribution-- Revised May 6, 2002****Distribution of the FY 2002 \$23 Million IHCIF**

Area	Operating Unit	2001 Users		Needed \$ For 60%	IHCIF Allocation	IHCIF User	New \$
Bemidji	Fond Du Lac	5,685	33%	\$4,628,626	\$248,000	\$44	35%
Bemidji	Forest County	854	59%	\$41,300	\$10,000	\$12	59%
Bemidji	Grand Portage	476	47%	\$203,424	\$11,000	\$23	48%
Bemidji	Grand Traverse	2,068	37%	\$1,369,154	\$73,000	\$35	38%
Bemidji	Greater Leech Lake	9,823	31%	\$8,020,010	\$430,000	\$44	33%
Bemidji	Greater Red Lake	7,345	52%	\$1,788,589	\$96,000	\$13	52%
Bemidji	Greater White Earth	8,292	46%	\$3,475,382	\$186,000	\$22	46%
Bemidji	Ho-Chunk	4,179	31%	\$3,718,746	\$199,000	\$48	33%
Bemidji	Huron Potawatomi	612	39%	\$436,312	\$23,000	\$38	40%
Bemidji	Keweenaw Bay	1,682	32%	\$1,545,253	\$83,000	\$49	34%
Bemidji	Lac Courte Oreilles	3,659	35%	\$2,795,059	\$150,000	\$41	36%
Bemidji	Lac Du Flambeau	2,690	39%	\$1,817,133	\$97,000	\$36	40%
Bemidji	Lac Vieux Desert	438	64%	\$0	\$0	\$0	64%
Bemidji	Little River Ottawa	950	38%	\$687,472	\$37,000	\$39	39%
Bemidji	Little Traverse Odawa	2,500	39%	\$1,497,157	\$80,000	\$32	40%
Bemidji	Lower Sioux	605	30%	\$623,334	\$33,000	\$55	31%
Bemidji	Gun Lake	276	34%	\$238,937	\$13,000	\$47	36%
Bemidji	Menominee	6,958	31%	\$6,055,878	\$325,000	\$47	32%
Bemidji	Hannahville	929	31%	\$918,758	\$49,000	\$53	32%
Bemidji	Mille Lacs	2,784	27%	\$3,081,946	\$321,000	\$115	30%
Bemidji	Bois Forte/Nett Lake	1,203	50%	\$369,331	\$20,000	\$17	51%
Bemidji	Onalda	7,672	32%	\$6,052,385	\$325,000	\$42	34%
Bemidji	Pokagon Potawatomi	2,391	34%	\$2,150,964	\$115,000	\$48	35%
Bemidji	Prairie Island	350	43%	\$205,768	\$11,000	\$31	44%
Bemidji	Shakopee	468	33%	\$460,503	\$25,000	\$53	35%
Bemidji	Red Cliff	1,561	39%	\$1,117,256	\$60,000	\$38	40%
Bemidji	Saginaw Chippewa	2,264	27%	\$2,531,504	\$247,000	\$109	30%
Bemidji	Saulte Sainte Marie	9,971	33%	\$7,497,515	\$402,000	\$40	34%
Bemidji	Sokaogon	530	41%	\$327,898	\$18,000	\$34	42%
Bemidji	St Croix	1,649	30%	\$1,744,317	\$94,000	\$57	31%
Bemidji	Stockbridge-Munsee	1,504	48%	\$662,180	\$36,000	\$24	48%
Bemidji	Upper Sioux	371	39%	\$260,772	\$14,000	\$38	40%
<b>Bemidji Total</b>		<b>95,939</b>	<b>35%</b>	<b>\$88,768,321</b>	<b>\$3,962,000</b>	<b>\$41</b>	<b>33%</b>
Billings	Blackfeet	12,187	62%	\$0	\$0	\$0	62%
Billings	Crow	11,652	76%	\$0	\$0	\$0	76%
Billings	Ft Belknap	4,814	78%	\$0	\$0	\$0	78%
Billings	Ft Peck	8,601	59%	\$280,458	\$15,000	\$2	59%
Billings	No. Cheyenne	6,438	73%	\$0	\$0	\$0	73%
Billings	Wind River	10,104	51%	\$2,529,572	\$136,000	\$13	51%
Billings	Flathead	11,038	49%	\$3,891,278	\$209,000	\$19	50%
Billings	Rocky Boy	4,570	63%	\$0	\$0	\$0	63%
<b>Billings Total</b>		<b>69,404</b>	<b>62%</b>	<b>\$6,701,908</b>	<b>\$360,000</b>	<b>\$5</b>	<b>62%</b>
California	Berry Creek/Mooretown/Feather Riv	3,201	40%	\$1,782,359	\$96,000	\$30	41%
California	Cabazon	2	1312%	\$0	\$0	\$0	1312%
California	Central Valley	5,675	37%	\$3,437,426	\$184,000	\$32	38%
California	Chapa De	3,504	44%	\$1,609,269	\$86,000	\$25	45%
California	Colusa	140	49%	\$52,181	\$10,000	\$71	51%
California	Consolidated	2,858	35%	\$1,987,006	\$107,000	\$37	37%
California	Greenville	1,203	36%	\$876,963	\$47,000	\$39	37%
California	Hoopo	2,820	54%	\$470,490	\$25,000	\$9	54%
California	Indian Health Council	4,450	55%	\$664,955	\$36,000	\$8	55%
California	Karuk	1,858	59%	\$44,054	\$10,000	\$5	59%

**Table 8 -- FY 2002 IHCIF Distribution-- Revised May 6, 2002****Distribution of the FY 2002 \$23 Million IHCIF**

State	Counting Unit	2001		Number of		FY 2002		FY 2001	FY 2002
		Population	%	Households	%	Allocation	%		
California	Lake County	1,158	33%	\$1,333		\$72,000	\$54		
California	Lassen	982	46%	\$441,933		\$24,000	\$24		46%
California	Modoc	156	130%	\$0		\$0	\$0		130%
California	Northern Valley	1,435	47%	\$562,827		\$30,000	\$21		48%
California	Pit River	892	64%	\$0		\$0	\$0		64%
California	Quartz Valley	104	53%	\$20,563		\$10,000	\$96		57%
California	Redding Rancheria	4,098	53%	\$742,185		\$40,000	\$10		53%
California	Riverside/San Bernardino	9,739	65%	\$0		\$0	\$0		65%
California	Round Valley	1,069	49%	\$354,950		\$19,000	\$18		50%
California	Santa Ynez	849	29%	\$865,329		\$46,000	\$54		30%
California	Shingle Springs	854	38%	\$599,896		\$32,000	\$37		39%
California	Sonoma County	3,849	43%	\$1,886,772		\$101,000	\$26		44%
California	Southern Indian Health Council	2,574	60%	\$0		\$0	\$0		60%
California	Sycuan	85	98%	\$0		\$0	\$0		98%
California	Table Mountain	22	103%	\$0		\$0	\$0		103%
California	Toiyabe	2,788	49%	\$840,170		\$45,000	\$16		50%
California	Tule River	2,656	49%	\$791,713		\$42,000	\$16		50%
California	Tuolumne	2,132	49%	\$706,716		\$38,000	\$18		49%
California	United Indian Health Services	6,301	42%	\$2,925,540		\$157,000	\$25		43%
California	Warner Mountain	113	105%	\$0		\$0	\$0		105%
California Total		68,045	49%	\$22,934,634		\$1,257,000	\$18		50%
Nashville	Alabama Coushatta	845	56%	\$109,503		\$10,000	\$12		56%
Nashville	Catawba	1,072	77%	\$0		\$0	\$0		77%
Nashville	Cayuga	247	36%	\$177,219		\$10,000	\$40		37%
Nashville	Cherokee	10,343	55%	\$1,281,741		\$69,000	\$7		55%
Nashville	Chitimacha	431	69%	\$0		\$0	\$0		69%
Nashville	Choctaw	8,396	62%	\$0		\$0	\$0		62%
Nashville	Coushatta	499	55%	\$59,666		\$10,000	\$20		56%
Nashville	Houltan Band Of Mailseet	359	106%	\$0		\$0	\$0		106%
Nashville	Jena Band Of Choctaw	199	52%	\$42,148		\$10,000	\$50		54%
Nashville	Miccosukee	742	66%	\$0		\$0	\$0		66%
Nashville	Micmac	455	124%	\$0		\$0	\$0		124%
Nashville	Mohegan	1,264	30%	\$1,421,189		\$76,000	\$60		31%
Nashville	Narragansett	671	73%	\$0		\$0	\$0		73%
Nashville	Onondaga	1,873	21%	\$2,161,906		\$481,000	\$257		30%
Nashville	Oneida	1,879	49%	\$603,776		\$32,000	\$17		50%
Nashville	Pass.. Township	821	90%	\$0		\$0	\$0		90%
Nashville	Pass.-Pleasant Point	947	84%	\$0		\$0	\$0		84%
Nashville	Penobscot	1,334	76%	\$0		\$0	\$0		76%
Nashville	Pequot	897	39%	\$685,010		\$37,000	\$41		40%
Nashville	Poarch Creek	2,033	81%	\$0		\$0	\$0		81%
Nashville	St. Regis Mohawk	4,552	51%	\$1,085,303		\$58,000	\$13		51%
Nashville	Seminole	3,550	48%	\$1,119,701		\$60,000	\$17		49%
Nashville	Seneca	5,835	56%	\$662,814		\$36,000	\$6		56%
Nashville	Tunica-Bitoxi	268	64%	\$0		\$0	\$0		64%
Nashville	Wampanoag Of Gayhead	323	56%	\$45,779		\$10,000	\$31		57%
Nashville Total		49,835	57%	\$9,455,751		\$889,000	\$18		57%
Navajo	Chinle	24,909	50%	\$5,878,720		\$305,000	\$12		51%
Navajo	Tsaile	7,757	33%	\$5,731,459		\$307,000	\$40		34%
Navajo	Crownpoint	19,584	48%	\$5,432,752		\$291,000	\$15		49%
Navajo	Fort Defiance	24,374	68%	\$0		\$0	\$0		68%
Navajo	Gallup	32,399	69%	\$0		\$0	\$0		69%

**Table 8 -- FY 2002 IHCIF Distribution-- Revised May 6, 2002****Distribution of the FY 2002 \$23 Million IHCIF**

Area	Operating Unit	2001 Users	%	2001 Revenue	2002 Revenue	2002 Users	%
Navajo	Navajo	8,311	42%	\$4,441,872	\$235,000	\$27	42%
Navajo	Kayenta	13,531	38%	\$7,139,998	\$383,000	\$28	40%
Navajo	Inscription House	4,284	34%	\$3,132,156	\$168,000	\$39	36%
Navajo	Shiprock	42,854	61%	\$0	\$0	\$0	61%
Navajo	Dzilkth Na O Dith Hle	5,361	40%	\$2,878,196	\$154,000	\$29	41%
Navajo	Tuba City	26,596	58%	\$1,123,825	\$60,000	\$2	58%
Navajo	Winslow	14,426	42%	\$6,299,875	\$338,000	\$23	43%
<b>Navajo Total</b>		<b>224,986</b>	<b>54%</b>	<b>\$43,867,854</b>	<b>\$2,245,000</b>	<b>\$10</b>	<b>55%</b>
Oklahoma	Claremore	30,409	47%	\$8,362,129	\$448,000	\$15	48%
Oklahoma	Clinton	9,270	50%	\$2,102,275	\$113,000	\$12	51%
Oklahoma	Haskell	6,164	28%	\$4,797,177	\$275,000	\$45	30%
Oklahoma	Holton	2,284	33%	\$1,706,962	\$92,000	\$40	35%
Oklahoma	Lawton	22,819	46%	\$6,754,528	\$382,000	\$16	47%
Oklahoma	Pawnee	8,930	55%	\$1,015,666	\$54,000	\$6	55%
Oklahoma	Tahlequah	17,646	59%	\$308,283	\$17,000	\$1	59%
Oklahoma	Wewoka	8,851	32%	\$6,181,582	\$331,000	\$37	33%
Oklahoma	Abs Shawnee	4,390	45%	\$1,806,968	\$97,000	\$22	46%
Oklahoma	Chickasaw	30,218	51%	\$5,943,675	\$319,000	\$11	51%
Oklahoma	Cherokee	63,288	35%	\$34,843,600	\$1,868,000	\$30	36%
Oklahoma	Choctaw	33,041	55%	\$3,357,386	\$180,000	\$5	55%
Oklahoma	Creek	21,524	40%	\$9,190,908	\$493,000	\$23	41%
Oklahoma	Kaw	1,388	37%	\$870,690	\$47,000	\$34	38%
Oklahoma	Kickapoo Of Kansas	771	38%	\$471,663	\$25,000	\$32	39%
Oklahoma	Kickapoo Of Texas	538	70%	\$0	\$0	\$0	70%
Oklahoma	Ponca Tribe Of Oklahoma	3,606	47%	\$1,276,731	\$88,000	\$19	47%
Oklahoma	Kickapoo Of Oklahoma	6,582	28%	\$5,276,568	\$330,000	\$50	30%
Oklahoma	Citizen Potawatomi	12,922	28%	\$9,449,696	\$675,000	\$52	30%
Oklahoma	Iowa Of Oklahoma	1,154	32%	\$960,813	\$52,000	\$45	33%
Oklahoma	Sac And Fox Of Oklahoma	6,781	32%	\$4,830,745	\$248,000	\$37	34%
Oklahoma	Wyandotte / E Shawnee	1,239	33%	\$949,237	\$51,000	\$41	35%
Oklahoma	Miami Consortium	7,523	35%	\$4,540,368	\$243,000	\$32	36%
<b>Oklahoma Total</b>		<b>301,332</b>	<b>45%</b>	<b>\$14,797,659</b>	<b>\$6,388,000</b>	<b>\$21</b>	<b>43%</b>
Phoenix	Phoenix GU	54,777	45%	\$19,474,719	\$1,044,000	\$19	46%
Phoenix	Keams Canyon/Hopi	6,073	101%	\$0	\$0	\$0	101%
Phoenix	U&O	4,359	52%	\$941,990	\$51,000	\$12	53%
Phoenix	Whiteriver	14,436	50%	\$3,598,856	\$193,000	\$13	51%
Phoenix	Ft. Yuma	3,559	59%	\$129,516	\$10,000	\$3	59%
Phoenix	Colorado River	5,465	69%	\$0	\$0	\$0	69%
Phoenix	Peach Springs/Supai	2,290	61%	\$0	\$0	\$0	61%
Phoenix	San Carlos	10,844	42%	\$5,100,397	\$274,000	\$25	43%
Phoenix	Elko	2,023	70%	\$0	\$0	\$0	70%
Phoenix	Duckwater	134	210%	\$0	\$0	\$0	210%
Phoenix	Ely	291	109%	\$0	\$0	\$0	109%
Phoenix	Gila River	18,598	49%	\$4,779,217	\$256,000	\$14	50%
Phoenix	PITU	801	74%	\$0	\$0	\$0	74%
Phoenix	Owyhee	1,447	135%	\$0	\$0	\$0	135%
Phoenix	Schurz/Walker River	936	79%	\$0	\$0	\$0	79%
Phoenix	Fallon/Loveclock/Yomba	1,691	60%	\$17,338	\$10,000	\$6	60%
Phoenix	Pyramid Lake	1,625	53%	\$357,659	\$19,000	\$12	53%
Phoenix	Reno-Sparks/Nevada Urban	3,135	52%	\$727,035	\$39,000	\$12	53%
Phoenix	Las Vegas/Moapa	1,174	46%	\$548,212	\$29,000	\$25	47%
Phoenix	Ft. McDermitt	676	70%	\$0	\$0	\$0	70%

Table 8 -- FY 2002 IHCIF Distribution-- Revised May 6, 2002

## Distribution of the FY 2002 \$23 Million IHCIF

Area	Operating Unit	2001 FTEs	%	2001 FTEs	%	IHCIF Allocation	IHCIF Allocation
Phoenix	Washoe	2,128	47%			\$344,070	\$41,550
Phoenix	Yerington	559	79%			\$0	\$0
Phoenix Total		2,687	54%			\$344,070	\$41,550
Portland	Burns Paiute	283	89%			\$0	\$0
Portland	Chehalis	999	42%			\$591,300	\$32,000
Portland	Cowar D'Alene	3,683	46%			\$1,437,891	\$77,000
Portland	Colville	8,446	50%			\$2,105,156	\$113,000
Portland	Coos, L Umpqua, Suislaw	597	73%			\$0	\$0
Portland	Coquille	1,113	49%			\$402,858	\$22,000
Portland	Cow Creek	1,752	34%			\$1,349,664	\$72,000
Portland	Grand Ronde	3,067	63%			\$0	\$0
Portland	Hoh	50	85%			\$0	\$0
Portland	Jamestown S/Klallam	420	63%			\$0	\$0
Portland	Kalispel	260	33%			\$223,266	\$12,000
Portland	Klamath	2,202	83%			\$0	\$0
Portland	Kootenai	195	71%			\$0	\$0
Portland	Lower Elwha	776	56%			\$113,768	\$10,000
Portland	Lummi	4,278	51%			\$1,031,677	\$55,000
Portland	Makah	1,928	56%			\$227,346	\$12,000
Portland	Muckleshoot	3,316	30%			\$2,882,056	\$155,000
Portland	Nez Perce	3,455	71%			\$0	\$0
Portland	Nisqually	748	69%			\$0	\$0
Portland	Nooksack	919	45%			\$453,873	\$24,000
Portland	Nw Band Of Shoshoni	127	89%			\$0	\$0
Portland	Port Gamble	1,294	40%			\$802,593	\$43,000
Portland	Puyallup	7,768	56%			\$736,802	\$40,000
Portland	Quileute	564	38%			\$385,354	\$21,000
Portland	Quinault	2,442	68%			\$0	\$0
Portland	Samish	182	119%			\$0	\$0
Portland	Sauk-Suiattle	171	109%			\$0	\$0
Portland	Shoalwater Bay	420	118%			\$0	\$0
Portland	Shoshone-Bannock	6,039	60%			\$0	\$0
Portland	Siletz	4,708	44%			\$1,970,417	\$108,000
Portland	Skokomish	734	66%			\$0	\$0
Portland	Spokane	2,057	69%			\$0	\$0
Portland	Snoqualmie	125	92%			\$0	\$0
Portland	Squaxin Island	690	71%			\$0	\$0
Portland	Stllaguamish	198	84%			\$0	\$0
Portland	Suquamish	401	95%			\$0	\$0
Portland	Swinomish	1,027	87%			\$0	\$0
Portland	Tulalip	3,305	40%			\$1,908,059	\$102,000
Portland	Umatilla	2,827	70%			\$0	\$0
Portland	Upper Skagit	452	31%			\$381,360	\$20,000
Portland	Warm Springs	5,221	77%			\$0	\$0
Portland	Yakama	12,224	51%			\$2,723,081	\$146,000
Portland	Western Oregon (Chemawa)	2,663	44%			\$1,215,788	\$65,000
Portland Total		94,121	55%			\$20,942,209	\$1,127,000
Tucson	Tomono O'Odham	17,884	53%			\$2,812,942	\$151,000
Tucson	Yavapai	15,525	67%			\$1,548,848	\$82,000
Tucson Total		33,409	57%			\$4,361,790	\$233,000
Grand Total		127,530	57%			\$25,304,000	\$1,360,000

Ms. CORMELL. Now, my father-in-law is a rocket scientist, but your health directors and administrators shouldn't have to be, your tribes shouldn't have to be.

So assessing what calculations are utilized, are they contemporary, are they meeting the need, is it a true assessment of need, or is it incremental percentage increased based on historical numbers?

Sequestration, it needs to go away. Funding allocations have to be mandated. This is a trust obligation. And I appreciate the efforts that have been made to get us closer to that step, and at negotiations I talked about that a portion will be. It needs to be across the board. It is a trust obligation, the moneys need to be there and reliably, deposited in the account, not a reimbursement program.

So I thank you for this time. Miigwech.

[The statement of Ms. Cormell follows:]

Good afternoon and miigwech (thank you) Chairman Calvert, Ranking Member McCullom, and Members of the Subcommittee for allowing me this opportunity to consult and provide testimony on behalf of the St. Croix Chippewa Indians of Wisconsin's funding allocation experience with you.

Boozhoo, Naawaakamaagookwe Biidishbiikiwibidaanikwe Niindizhinakaaz. St. Croix Chippewa Indians of Wisconsin niindoonjibaa. Hello, my name is Sarah Taylor-Cornell. I am the Secretary of Health and Human Services for the St. Croix Chippewa Indians of Wisconsin located in rural northwestern Wisconsin. Our service area is spread out over five counties--Barron, Burnett, Polk, Washburn, and also includes a small community just over the Minnesota/Wisconsin border overlapping Pine/Burnett counties. We have approximately 1200 enrolled members and thousands of descendants living in Wisconsin and throughout the United States. Our patient/consumers include other tribes' members living in our service area. We numbered over 283,000 service contacts for fiscal year 2014 throughout the various departments and services offered at our Health Clinic-the medical home for our community members and tribal social services.

Our Tribe offers many essential services to our members and descendants, in addition to our health services; including housing, education programs, family service programs, elder services, tribal court and law enforcement services. The needs are numerous and despite inadequate funding and shortfalls, we maximize on utilization of funding we do receive through Indian Health Services, BIA/BIE, Impact Aid, AINH Housing Block Grants, SAMHSA, AoA, ACF, Federal and State Grants, private grants, and tribal revenue to do all we can to address the overwhelming social and health needs of our people.

We are thankful for the leadership and support you have provided to tribes in this effort. We recognize the collective guidance, research, direction, and collaboration necessary to implement the changes and increases we have seen over the years through congressional work and leadership. It is because of this working relationship that we also know that if we were to make you aware of the devastating impacts of sequestration cut backs, delayed payments through continuing resolutions percentage payouts, and shortfalls in proposed appropriations, you would surely do all you could do to remedy the circumstances to ensure that past efforts are not undermined by current funding protocols and delivery processes.

### **Funding Practice Impact**

The United States' trust responsibility is a legal obligation to provide services to American Indians, such as healthcare, housing, education. This responsibility and obligation is guaranteed through treaties, executive orders, legal cases, and congressional acts. However, there is a long-standing history of underfunding of Indian Health Services and other federal programs that has led to significant challenges and barriers in providing quality, accessible, and reliable health care and social services.

We have expressed our concerns along with other tribes over contracting and compacting for services that are chronically and significantly underfunded in the past, but more recently have

shared the disturbing impact of sequestration that resulted in across the board cuts to all federal programs that tribes are reliant on to ensure access to services for our communities.

### Underfunding

Federal funding allocations are proposed each fiscal year based on historical allocations and demonstration of need as defined by area population numbers in comparison to FEHB standards; however, historical approaches to funding ensure that funding is not adequate to meet true contemporary need. As with any population group we grow, and as with any professional business we need to be responsive to the assessment of growth and needs of the population we serve. Historical numbers are not reflective of need. Further percentage increases for appropriations on top of the historical funding base are so miniscule that by the time it trickles down to the individual tribe it could not possibly keep pace with inflation rates for goods and services or cost of living increases for professionals and workforce development.

Although there are trends in health and social service needs for American Indians, each of the 565 federally recognized tribes within the 12 areas of the Indian Health Service have a service population and needs that are unique to their tribe. Our members and descendants pursue their goals and dreams outside of our borders and communities, however they often call back home for supportive services, assistance in paying for service costs, or come home for healthcare. Although heart disease, diabetes, cancer, substance abuse, and lack of nutrition/fitness concerns are still very high and leading causes of death in Indian Country over all, the numbers vary and interventions vary in priority per tribe.

The Bemidji Area has the highest unmet funding disparity of any Area Office in Indian Health Service. Our area is comprised of Minnesota, Wisconsin, and Michigan and funds 3 service units, 34 tribal hospital and clinics, and 4 urban centers. The 34 tribes in our IHS area compete to demonstrate need to get every penny we can to maintain and grow our services to meet those tribally measured and demonstrated needs through area distributions. We also compete to access additional grant funds through various federal agencies to grow services. However, IHS is not guaranteed funding due to being subject to budget overhauls, and if 120 competitive grants are awarded to tribes nationally, we shortchange 445 other tribes.

During negotiations in 2015 for FY 2016, after demonstrating need for our IHS contracted dollars, we were told that 60% of funding need was considered reasonable for allocation, so we were over "reasonable budget expectations" and would have to make cuts. The funding need we proposed was already demonstrative of cutting back our clinic operations work week from 40 to 32 hours to ensure that services we had grown were still available, even if offered only 4 days a week instead of 5 days. This proposal also represented 5 layoffs due to grants ending and tribal funding streams being unavailable. In addition, we had to decrease our Purchased Referred Care (PRC) funding, formerly Contract Health Service funding by 45% this past year and will have to maintain the cut going into the next fiscal year. PRC provides financial assistance to supplement the costs of healthcare services at outside agencies when those services are not covered by insurance and are not available within our tribal clinic. This is a substantial cut and will require us to set priorities that potentially disenfranchise and jeopardize the health and well-being of the people we serve. Approaching our fiscal year 2017 budget, in

order to stay within our anticipated funding allowance we have had to lay off an additional 12 professionals and suspend any growth or support for our in-house direct services. These suspensions impact our ability to improve patient care and remain competitive as a medical home, acts such as suspending expansion of lab services for same day diagnostics. We will have to continue sending our labs out for processing at an outside lab which results in delaying diagnosis and treatment. We also need to hold off on adding ultra sound and radiology diagnostics in house, despite having the room in place complete with lead lined walls and observation office. This, too, is inconvenient for patients who will have to drive 60-120 miles round trip to access a necessary diagnostic tool and results will take days so this will also result in delaying diagnosis and treatment.

The growth we experienced through careful planning and utilization of incremental increases, third party revenue, and tribal funding support resulted in improving access to services through adding additional staff and programming, improving care through hiring licensed and educated staff and providing access to training and education for paraprofessional staff. This allowed us to truly offer a holistic, wrap-around, one-stop shop medical home. However, this growth is not sustainable if adequate funding is not assessed and appropriated. Sixty percent of funding is far from appropriate and will never cover the unmet needs of the people who suffer the greatest health disparities in the country.

#### Sequestration and Continuing Resolutions

In addition to underfunding, tribes have not recovered from sequestration. Budget cuts to federal programs in the form of sequestration was a creative spending plan, however the implications in Indian Country were far reaching. Healthcare and social services were not only jeopardized, but resulted in lack of reliability and confidence in clinical and social services. Programs were suspended without patients/consumers knowing when or if they were going to be resumed, resulting in a lack of trust in an already blemished healthcare system for Indian Country. This also caused uncertainty for the professionals delivering the services, who were unsure if contracts would be honored or renewed with fair increases or if they should seek employment at a private business outside of the tribe. We have lost many staff due to the stress of financial sustainability plans and the pressures of delivery of care through public health. It seems we are always asking them to do more with less. This is an added stress to what is already a difficult task in recruiting qualified individuals to work in a very rural area.

In addition to the budget cuts, we now have the impact of the disturbing practice of continuing resolutions that piecemeal funding to tribes in the form of small percentage pay outs from an obligatory contract. This practice resembles reimbursement programs as opposed to full contract disbursements as appropriated that would allow tribes to operate with reliable funding streams from the beginning of the fiscal year to the closeout. Although our fiscal year began in October 2015, we received only 38% of our contract by February 2016. We were forced to lay off 10 staff members, suspend more programs and services, and consolidate having staff provide multiple roles to meet service expectations, while reducing payroll and operations costs. Third Party revenue and tribal funds were utilized to subsidize IHS dollars. We maintained on-going contact and requests to our area office, while we watched and waited through congressional debates on budgets, desperate for our obligatory payments. This is an unacceptable practice, that

greatly diminishes any efforts, budgetary and system gains, and strides we have made in improving patient care, access to care, and reliability of continuity of care. These practices are troubling and difficult to bear.

### **Honoring Trust Obligations**

As stated earlier, we are thankful for the progress made thus far, however in order to fulfill the trust obligation the outlined funding shortfalls and inequities need to be assessed and remedied. Assessing how demonstration of need is calculated and what comprises disbursement formulas will be necessary to ensure that our base is fair and true reflection of need.

Indian Health Service, BIA, and other federally funded tribal programs should be made exempt from sequestration. Indian Health Service funding should not be discretionary or subject to sequestration. The St. Croix Chippewa Indians of Wisconsin recommends and fully supports the passage of S 1497 and HR 3063.

Advance appropriations would ensure that tribes have advance notice of the amount of federal appropriations available within budgetary constraints to sufficiently plan for administration of services and programs for the communities we serve. This would reduce stress and uncertainties of delayed funding and continuing resolutions. The St. Croix Chippewa Indians of Wisconsin recommends and fully supports the passage of HR 395.

Miigwech (Thank you) for the opportunity to share how appropriations impact the St. Croix Chippewa Indians of Wisconsin ability to continue the dedication and hard work to meet the social and health needs of the people we serve. We appreciate your dedication and hard work in supporting our efforts to collectively improve health outcomes for American Indians and Alaskan Natives. I look forward to answering any questions that you may have and to assist in any way I can to ensure improvements and progress.

Mr. COLE. Thank you very much for your testimony.  
 Ms. Martin, you are recognized for 5 minutes.

FRIDAY, MARCH 18, 2016.

## NATIONAL INDIAN CHILD WELFARE ASSOCIATION

### WITNESS

**AURENE MARTIN, BOARD MEMBER, NATIONAL INDIAN CHILD WELFARE ASSOCIATION**

Ms. MARTIN. I realize I am the only thing standing between everybody and lunch, so I will try to make it quick. I will fight against my lawyer self.

Good morning, everyone. My name is Aurene Martin, and I am a member of the Bad River Band of Lake Superior Chippewa. I am here representing the National Indian Child Welfare Association today. And I think you are all pretty familiar with them.

Our mission at NICWA is twofold. First, it is to address issues of child abuse and neglect through training, research, policy development, and community development. Our other mission is to support compliance with the Indian Child Welfare Act.

On behalf of NICWA, I would like to thank you for the opportunity to come today, and also thank you for all your efforts to increase funding for child welfare programs over the last few years. We know you have done an outstanding job over and above what has been asked of you by the administration.

My written testimony contains our request in support for several programs that we have talked about over the last several years. But today I just really want to concentrate on one set of programs, and those are the BIA's Indian Child Welfare Act program and funding associated with that.

When the Indian Child Welfare Act was passed in 1978, it was also the first time that funding was authorized directly to tribes for child welfare services. And when tribes started receiving that funding, the purpose and intent was that they would have an adequate amount of funding to provide basic child welfare services.

Now, unfortunately, over time that funding has decreased in actual real dollars to the point now where there are several tribes that only get \$25,000 a year to run Indian Child Welfare Act programs. That is not even enough to hire a staff person full time. But at the same time, these programs have begun seeing tremendous pressure on them. We know that—or we estimate that over 2 percent of children in State and tribal, all child welfare systems in that population are Native American, but tribes and tribal programs receive less than 1 percent of overall funding for child welfare services.

At the same time that we are dealing with child welfare services on the reservation, States—and this is a good thing, but it is also a stressor—States are asking tribes for help to provide culturally based services to help prevent foster care placements or to make them shorter.

And then the third area which has seen a tremendous increase over the last few years is litigation on Indian Child Welfare Act issues. We had the Baby Veronica case in the Supreme Court. But

since then, anti-ICWA groups have engaged in a systematic effort to litigate across the country against Indian Child Welfare Act. And at the same time, another good thing is that the BIA has stepped up and they have been pursuing regulations that would increase enforcement of the Indian Child Welfare Act.

But all of these things are pressures on Indian Child Welfare Act programs. So it is our recommendation that you have done a fantastic job with increasing amounts in these programs, but we are also recommending increases above that, from \$15.6 million to \$18.9 million for fiscal year 2017 for the on-reservation program. We are also asking that you consider funding the off-reservation BIA ICWA program, because that had been funded and now it is defunded. When it was funded, it provided funding for up to 30 urban programs to provide child welfare services.

In the 2010 Census, the Bureau of Census actually estimates that over 67 percent of Native Americans live off the reservation, many of them in urban areas, and that is a huge gap then in child welfare services. So we believe that that is an appropriate way to use funds, and we would suggest and ask that you do that.

Child welfare, I owe in my own personal life everything to the ICWA program. It provided me with my first job, but also has provided with my family. So I can't stress enough how important it is to me personally, but Indian people across the board.

And I am going to give you some time back. If you have any questions, I am happy to answer them.

[The statement of Ms. Martin follows:]

Aurene Martin—Board Member, National Indian Child Welfare Association

**National Indian Child Welfare Association FY 2017 Testimony  
United States House of Representatives  
Committee on Appropriations, Subcommittee Interior, Environment, & Related Agencies  
Department of the Interior; Bureau of Indian Affairs Recommendations  
March 17, 2016**

The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) nonprofit organization. NICWA has provided leadership in the development of public policy that supports tribal self-determination in child welfare and children's mental health systems for over thirty years. This testimony will provide recommendations for the following programs administered by the Bureau of Indian Affairs (BIA) in the Department of the Interior: Indian Child Protection and Family Violence Prevention (\$43 million), Social Services (\$57.3 million), Welfare Assistance (\$80 million), Indian Child Welfare Act On or Near Reservation Program (Tribal Priority Allocation—\$18.9 million), and Indian Child Welfare Act Off-Reservation Program (\$5 million).

Congress has unequivocally recognized that there is nothing "more vital to the continued existence and integrity of Indian tribes than their children." (25 U. S. C. § 1901[3] [2006]). Congress must promulgate a budget that empowers tribes to provide the programs and services necessary to safeguard their children and strengthen their families. A recent report from the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence emphasized this very point:

Congress and the executive branch shall direct sufficient funds to AI/AN tribes to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States and shall remove barriers that currently impede the ability of AI/AN nations to effectively address violence in their communities. *The Advisory Committee believes that treaties, existing law, and trust responsibilities are not discretionary and demand this action.*<sup>i</sup>

As this recommendation suggests, Congress must prioritize the safety and well-being of *all* children. According to the advisory committee, "AI/AN children are generally served best when tribes have the opportunity to take ownership of the programs and resources they provide."<sup>ii</sup> The recommendations below suggest funding increases that will provide tribes with sufficient child welfare funding and avoid unnecessary restraint on tribal decision-making. We urge Congress, as they make budgetary decisions for FY 2017, to not forget AI/AN children and families.

**Priority Program Recommendation**

**Indian Child Protection and Family Violence Prevention Act Recommendation:**

*Appropriate for the first time \$43 million for the three grant programs under this law—\$10 million for the Indian Child Abuse Treatment Grant Program, \$30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and \$3 million for the Indian Child Resource and Family Service Centers Program to protect AI/AN children from child abuse and neglect.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1991), was enacted to fill gaps in tribal child welfare services—specifically child protection and child abuse treatment—and to ensure better coordination between child welfare and

domestic violence programs. The act authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention programming and supports investigations of family violence and emergency shelter services; and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds treatment programs for victims of child abuse. It also authorizes funding to create Indian Child Resource and Family Service Centers at each of the BIA regional offices.

Child abuse prevention funding is vital to the well-being and financial stability of AI/AN communities. Beyond the emotional trauma that maltreatment inflicts, victims of child maltreatment are more likely to require special education services, more likely to be involved in the juvenile and criminal justice systems, more likely to have long-term mental health needs, and have lower earning potential than their peers.<sup>iii</sup> Financially, child maltreatment costs tribal communities and the United States \$210,012 per victim.<sup>iv</sup> Child abuse prevention funding is essential, therefore, to the well-being of families and the social and economic development of tribal communities.

Therefore, tribes, like states, need adequate resources to effectively prevent and respond to family violence in their communities. However, unlike states, tribes do not have access to the key Department of Health and Human Services (DHHS) child protection programs, the Child Abuse Prevention and Treatment Act (CAPTA) Basic Funding Program and the Social Services Block Grant (Title XX). The programs authorized under ICPFVPA were created to fill this gap but, without appropriation, tribes are left without funding for child protection and child abuse prevention services.

#### **Other Program Recommendations**

**Social Services Recommendation:** *Increase funding by \$12.1 million as recommended by the President's proposed Tiwahe Initiative for a total appropriation of \$57.3 million so that child and family programs in Indian Country can be strengthened and expanded.*

The Social Services Grant Program provides a wide array of family support services filling many funding gaps for tribal programs, and ensuring federal staff and technical assistance for these programs. These funds are desperately needed. A recent assessment of BIA social services found that, in large part due to inadequate funding:

BIA and tribal social services staff prepare, authorize, and document various social services activities as part of their daily activities. Some tribes reported frequent vacancies and staff turnover in social services programs and mentioned a need for BIA to provide basic guidance and supporting materials to ensure continuity of services throughout tribal communities...

Technical support is one area where roles and responsibilities remain unclear, as demonstrated by BIA's social services contracts with tribes. The contracts, or annual funding agreements, state that BIA will provide technical support with social services issues as needed. Contrary to these agreements, we uncovered reports of insufficient or nonexistent technical support. In some cases, tribes could wait up to three weeks before receiving a response, or they might receive no response at all.<sup>v</sup>

As this assessment describes, the program is drastically underfunded, and tribal programs, families, and children suffer as a result. In FY 2016 this program saw a \$5 million increase. This is to be commended and the momentum must continue. Another \$12.1 million must be appropriated for this program, as suggested in the President's budget to support the *Tiwahe* (family) Initiative—children and families depend on it.

**Welfare Assistance Recommendation:** *Increase current funding levels to \$80 million to provide a safety net for Native families and assist grand families and other kinship caregivers in tribal communities.*

The Welfare Assistance line item provides five important forms of funding to AI/AN families: (1) general assistance, (2) child assistance, (3) non-medical institution or custodial care of adults, (4) burial assistance, and (5) emergency assistance. These programs often provide the assistance necessary to help a family make ends meet, prevent neglect, and keep their children safely in the home. Currently the need far exceeds the funding provided by this program.

AI/AN adults on reservations—including parents and kinship caregivers—are unemployed at a rate more than two times the unemployment rate for the total population.<sup>vi</sup> Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide.<sup>vii</sup> AI/AN families live much closer to financial crisis than the average American family. AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty to promote stability and prevent abuse. In light of these identified needs and current underfunding, funds should be increased by \$5.2 million to provide tribal governments the resources they need to support families and children in crisis.

**ICWA Funding Recommendation:** *Increase the ICWA On or Near Reservation Program (TPA) appropriations by \$3.4 million to help tribes meet the needs of their communities. Appropriate an additional \$5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure ICWA protects all children.*

	FY 2013 Enacted	FY 2016 Enacted	FY 2017 CAA	FY 2018 Enacted	FY 2017 Recommendation
On-Reservation ICWA Program	\$10,000,000	\$10,710,000	\$15,433,000	\$15,641,000	\$15,646,000
Off-Reservation	\$0	\$0	\$0	\$0	\$5,000,000

As the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence recently stated "If AI/AN children today are to be provided with a reliable safety net, the letter and spirit of [the Indian Child Welfare Act] must be enforced."<sup>viii</sup> ICWA provides protections to AI/AN families in state child welfare and judicial systems. It also recognizes the sovereign authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

ICWA funding is the foundation of most tribal child welfare programs. Compliance with the letter and spirit of ICWA necessitates adequate funding so that tribal child welfare programs can monitor state court proceedings and provide community-based, culturally appropriate services to children and families. At the time that ICWA was passed in 1978, Congress estimated that between \$26 million–\$62 million would be required to fully fund tribal child welfare programs on or near reservations (S. Rep. No. 95-597, p. 19 (1977)). Even after an important FY 2015 increase, for which we thank Congress, current funding levels fall far short of this estimate—especially after adjusting for inflation. Funding must be increased by an additional \$3.4 million for the On or Near Reservation ICWA Program (TPA).

According to the 2010 Census, 67% of AI/AN people lived off-reservation. These children and families are best served when state child welfare systems are not only working with the child's tribe, but also with urban Indian child welfare programs. These programs provide assistance to states and the child's tribe, and provide culturally appropriate child welfare services. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving Native children and families. When funded, off-reservation programs provided important services such as recruitment of Native foster care homes, child abuse prevention efforts, and culturally appropriate case management and wraparound services. When funding stopped, the majority of these programs disintegrated even as the population of AI/AN children off-reservation increased. This funding must be reinstated. We recommend a \$5 million appropriation to support AI/AN children and families living off-reservation.

<sup>i</sup> U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 51). Retrieved from <http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>

<sup>ii</sup> *Ibid.*

<sup>iii</sup> Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect*, 36, 156–65. doi: 10.1016/j.chiabu.2011.10.006.

<sup>iv</sup> *Ibid.*

<sup>v</sup> Department of the Interior, Office of Inspector General. (2012). *Management of social services in BIA: Opportunity for action* (Report No. WR-EV-BIA-0001-2012). (pp. 5–6) Retrieved from <http://www.doi.gov/oig/reports/upload/WR-EV-BIA-0001-2012Public.pdf>

<sup>vi</sup> Stegman, E. & Ebarb, A. (2010). Sequestering opportunity for American Indians/Alaska Natives. *Center for American Progress*. (Para. 1). Retrieved from <https://www.americanprogress.org/issues/poverty/news/2013/11/26/80056/sequestering-opportunity-for-american-indians-and-alaska-natives/>

<sup>vii</sup> U. S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau. (2013). *Child health USA 2012* (p. 9). Rockville, MD: Author.

<sup>viii</sup> U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2014). *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending violence so children can thrive* (p. 75). Retrieved from <http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>

Mr. COLE. Thank you very much.

And I go to the ranking member.

Ms. MCCOLLUM. Well, thank you, Mr. Chairman.

I think one of the things that, especially when it comes to health care and even knowing that teachers are going to be paid to show up to work, beyond sequestration, we all try to get our job done on time. Our chairman, Mr. Rogers, is very persistent. He is very hopeful every time we start a meeting that we are going to do everything in regular order. I know Ranking Member Lowey agrees with that. But if they would just let, I think, the Appropriations Committee do its will, we would get things done.

So forward funding is becoming quite something that I am hearing over and over again. We did that for the VA, because we didn't want to leave our veterans without health care. We shouldn't leave anyone in this country without health care.

So I think forward funding is something that won't happen this go-round, but I hope that the next President, whoever he or she is, talks about doing that, and I hope that that is something that we can start talking within our respective caucuses and get some not bipartisan, nonpartisan support for.

The schools. You know, I am going to ask again when we are going to get the list for facility as well as campus replacement. We are getting ready to do our markup.

And, Mr. Simpson, I was telling people how you with your Fitbit, me with my Jawbone, both did 500 steps in the school bus.

Mr. SIMPSON. Yes. I am going back to that.

Ms. MCCOLLUM. Thank you for your charts. I think they are going to be very, very helpful.

Ms. Martin, I was at Red Lake—oh about a half a year ago—and talking to the chairman and the tribal council there.

Their out of home placement rates are very high. Because of what they are dealing with, they are trying to put a whole-of-Nation wellness plan together. It was just staggering. It was like 60 percent. They know that everything has to be working in a child's life. So they are taking a whole-of-Nation approach, but with little or no support or help. Part of what came up was the lack of funding that they had for child welfare for doing what they needed to do.

In some tribal areas, tribes are saying this is a crisis. Can you explain to me why there would be backlash? I would like you to put it on the record, why there is backlash for trying to do what is right in keeping families whole and keeping children in their communities. We need to make sure they are in a safe situation, but I support working to keep children with their parents, with their family, with their tribal enrolled members.

Ms. MARTIN. I think that is a complicated question or answer. I think there are really two things. I think with ICWA, with regard to voluntary placements, I think that adoption, for us to see that as an opportunity to be able find a pool of children that can be adopted that currently can't be.

But I think that there are basic cultural misunderstandings which actually led to the original passage of ICWA, which is that we, as tribes, see ourselves as a whole community, as you said, and our families as a whole community that can care for a child.

And so if a child is in a situation where maybe they don't have everything they need materially or from specific care from their parents, your whole family, your whole community looks out for you. But the outside just sees that one unit and they don't see anything else. And so I think culturally they need to place children out of the home or out of that area more often than we might otherwise see that in our own community because we can see that whole.

Funding is always also an issue. There is always a competition to get that funding. And then, as you said, there is a finite pool of money, so there is always going to be a fight over whether the States get an allocation and whether some of that should go to the tribes or not.

And then I think the last thing that is a challenge is how to get funding for things like foster care. We don't really provide that through the Interior budget, but Title IV-E program does provide that. Tribes have had difficulty accessing those funds because it is very complicated, and I think we are seeing more and more tribes do that, but it has been difficult.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. COLE. Thank you.

Mr. Simpson.

Mr. SIMPSON. Probably no questions, but, Tom, thank you for 30 years of testimony. We hope within the next 30 years we can solve some of these problems. They don't go unheeded. I think you probably see a more understanding Congress of the challenges faced in Indian Country and the desire to try to help, even though we probably haven't gone as far as we should. I mean, obviously, we haven't gone as far as we should, but we are attempting to.

A lot of that is due to the efforts that you all make, a lot of it is due to Chairman Cole, frankly, and his work within Congress and getting other Members of Congress to understand that we do have trust responsibilities, they are not discretionary.

I think we put pressure on to make forward funding happen for a lot of different agencies because we have been unable to do our job, as Ranking Member McCollum said. It has been 1994 since we actually did our appropriation bills on time and got them done by October 1. And, you know, there is a lot of things I am uncertain about, but one of them I am fairly certain about is when October 1 comes. You would think we would be able to do our job and get it done on time, and I would think if they left it up to the Appropriations Committee we could actually do that. But politics enters it, and that is unfortunate.

But the challenge, as you well know, with forward funding is we have to find 2 years of funding in 1 year to do it, and when you have restrained budgets to do that, it is tough to find this year's funding and then next year's funding also so that we could forward fund it.

And apparently we did that with Veterans Affairs, but almost every Federal agency would like to be forward funded. And to a large degree, it makes sense in that you could plan better. It is why I think, frankly, we ought to go to 2-year budgeting and then annual appropriations and just make sure we get them done on time.

I thought if there is any year we are going to do done by October 1, it will be this year because we got the number from last year.

So we knew, starting off, what we were going to do. Speaker Ryan tried to move the process up and get it done quicker so that we would get all the individual bills done. Now we are having a fight over the budget on the number that we agreed to last year. So that is the way the political system works.

But I want you to know that your testimony is heard, and we appreciate it very much, and thank you all for the work you do. And this committee, both Republican and Democrat, understands the importance of our responsibilities in trying to take care of these issues. Thank you.

Mr. COLE. I want to build on that, and then we will close out pretty quickly. But I want to thank all three of you, obviously, for the work that you do and for taking your time to come and testify. I know sometimes it seems like the labor of Sisyphus, you keep pushing the rock up hill and it rolls over you on the way back down.

But it has made a difference. None of us are where any of us would want to be. But I can look at funding lines and totals and just awareness, and certainly where this committee is concerned and not just the subcommittee, but I think broadly the committee, we have made a lot of progress in the last few years.

And that is, as my good friend Chairman Simpson said, largely due to you guys talking to other people. The biggest single problem here, why you get veterans funded forward is because there are veterans living in every congressional district in America, we don't have an organized tribal presence in every district. And so many Members, including very good Members who I have seen really learn a lot over their time here, but they come here with no tribal representation in their districts. They don't know very much about the issues. They really don't.

And when we had this little chart made up a couple of years ago, which then Director Roubideaux did for us with the comparison on the funding, we got a great member of this committee who had gone to one of our chairmen and wondered, well, why do the Indians need all this health, they get all this free health care anyway. He had no idea what the disparity in the dollars were. And that was an excellent member. I say that with no disparagement. He just didn't know.

And so your work, when you reach beyond those of us that are on your side, is really invaluable. It really matters. And I always tell people that one of the great victories I ever saw up here was on VAWA, where we had this amazing group. We had unity from a tribal perspective. And then you had these extraordinary Indian women up here literally going office to office with some amazing and touching and, frankly, heartbreaking stories, and we got something done on that. Now, we still don't have it funded. We have got lots of problems. But it was a big tribal sovereignty win.

So I would tell you again, we are making some progress, and it is largely due to your efforts. So keep at it. And I guarantee you this committee will do everything it can, both in terms of Native American issues, but more broadly, we are appropriators, we like to see the system work. I have never met a liberal or conservative appropriator that didn't care about process, trying to move this stuff along on time, trying not to politicize it, trying to recognize

that there is a place to have policy fights. But we do have a lot of people that seem to want to use this in that way.

Anyway, this concludes this morning's public witness hearing regarding the fiscal year 2017 budget for American Indian and Alaska Native programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee. I want to thank all of you and the distinguished tribal elders and leaders who have testified today or sat in the audience. Today's hearings are just the start of a dialogue we have come to depend upon to help us make difficult choices in the budget and earn the votes of our colleagues.

Please feel free to reach out to the subcommittee in the days and weeks ahead as we work to address the many valid concerns we have heard today.

The hearing is now adjourned. We are going to have another one of these, though, at 1 o'clock. So if you want to have lunch and come back and watch us do this again, you are welcome to do so. Thank you.

FRIDAY, MARCH 18, 2016.

### AFTERNOON SESSION

Mr. COLE. Welcome to this public witness hearing specifically for American Indian and Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee.

I want especially to welcome our distinguished tribal elders and leaders testifying today and in the audience. Most of you traveled a very long way to be here this week and we appreciate it very much.

As the chairman said yesterday in his opening, American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee. But we cannot do it alone, we need your help communicating to our colleagues, because honoring the Nation's trust and treaty obligations is a responsibility shared by all Members of Congress, regardless of the State or congressional district.

Before we begin, I have got a number of housekeeping items to share. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. The hearing can be viewed in its entirety on the committee's Web site and an official hearing transcript will be available at gpo.gov.

I will call each panel of witnesses to the table, one panel at a time. Each witness will have 5 minutes to present testimony. Your full written testimony will be included in the record, so please don't feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may actually earn you brownie points. That is a good thing.

We will be using a timer to track the progress of each witness. When the light turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, I will have to ask you to stop. The reality is we will give you a little leeway if you are finishing up, but please try to work with us on that. We will hear from every witness on each panel before members are provided an opportunity to ask questions.

Because we have a full day ahead, I request that we keep things moving in order to stay on schedule and respect one another's time. And I am sure many of you have got planes to catch as well, and we want to try to be considerate of that.

With that, I want to thank all of you again for being here today. And I am happy to yield now to our distinguished ranking member, Ms. Betty McCollum from Minnesota, for her opening remarks.

Ms. MCCOLLUM. Thank you. Thank you all for coming. This really helps us enhance our work and have insightful dialogues with some of our fellow Members who we have to lobby sometimes for help in this bill. You, representing Indian Country, have done such a good job, as the chairman said earlier, of speaking for yourself, speaking for the needs of your communities, that you are making our jobs easier—if we just had more money.

Mr. COLE. That always seems to be the cat's tickler.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Mr. COLE. Thank you very much.

And if we can, Chairman Miguel, we will start with you.

And then we will work right down, if that is okay, gentlemen. Thank you.

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FRIDAY, MARCH 18, 2016.

## **AK-CHIN INDIAN COMMUNITY**

### **WITNESS**

#### **ROBERT MIGUEL, CHAIRMAN, AK-CHIN INDIAN COMMUNITY**

Mr. MIGUEL. Thank you. Good afternoon, Mr. Chairman, Madam Ranking Member, and members of the committee. I am Robert Miguel, and I am the recently elected chairman of the Ak-Chin Indian Community.

We are a small tribe of 1,033 enrolled members, about 80 percent of whom live on our reservation 35 miles south of downtown Phoenix, Arizona. Historically, we have always been a farming community, and the name Ak-Chin is an O'odham word that means "people of the wash," referring to the wash runoff our ancestors used to grow beans, corn, and squash.

And while we still run a 16,000-acre farm today, we are also working hard to address the 21st century challenges of a rapidly growing community around us. Indeed, the population of our neighboring community, the city of Maricopa, has grown from 1,040 people in the 2000 Census to about 48,000 in 2014.

It has been staggering growth, and we have self-funded many projects to help both the tribe and surrounding community adapt, including the Central Plant, Waste Water Treatment Plant, Surface Water Treatment Plant, roads and infrastructure projects, and, most recently, our multipurpose Justice Complex.

As you can see, we have two displays of before and after. The before is the bottom photo and the new one is the one up top. The Justice Complex is truly a state-of-the-art, 50,000 square-foot facility. It houses the community's police department, public defender's office, prosecutor's office, detention and probation center, and court all under one roof.

As other leaders from my community have told this body in the past, we decided to fund this \$18 million facility ourselves because the backlog in the BIA jail construction budget is so long that our grandchildren probably wouldn't even live to see it completed. Throughout the construction process, we worked in lockstep with the BIA to ensure the facility was being built in full compliance with all agency health and safety requirements. Compliance with these codes is the only requirement in the BIA regulations to be eligible for BIA operations and maintenance, or O&M, funding.

Following the grand opening of the Justice Complex in 2014, the facility was certified to be in full compliance with all BIA codes. However, our requests for O&M funding were consistently redirected to different BIA offices and officials. Eventually, we submitted a request for O&M funding under Public Law 638, only to get a rejection letter that stated we are not eligible for Public Law 638 funding because we were not already receiving funding for the facility. We later learned that the BIA is denying all Public Law 638 requests for new funding.

Beyond the inherent unfairness in the notion that tribes can only be eligible for funding if they are currently receiving it, this practice presents some serious long-term policy challenges that we hope this subcommittee will work to address. As the costs of aging infrastructure and growth in tribal communities continue to outpace Federal appropriations, more and more tribes will be self-funding major government construction projects in the future. This will apply far beyond justice-related projects, but also to schools, roads, sewage plants, hospitals, and other infrastructure projects.

If such tribes are going to be denied O&M funding outright, as we have been, not only is the BIA penalizing tribes for taking on this substantial expense and responsibility, but it would also be a disincentive to following BIA health and safety codes in the construction process.

Tribal innovation and self-reliance need to be embraced and encouraged by our Federal partners, especially the BIA, and we hope this subcommittee will push the BIA in that direction. The BIA must listen to consultation with tribal governments to develop a framework and policy that does not penalize tribes who decide to exercise their sovereignty by taking on costs of projects that should otherwise be a Federal trust responsibility.

We know our experience is not unique. And just as we hope that our Justice Complex will serve as an example for other tribes, we also hope our experience navigating the bureaucratic process with the BIA can improve that process for other tribes who face the same situation in the future.

Thank you for holding this hearing to directly listen to the most pressing needs of tribes across the country. My community has high hopes that this committee will continue its good work to address the challenges tribes face and help shape the BIA into an agency that is more flexible and responsive to the ever-changing needs and capabilities of tribal governments.

I thank you for your time.

[The statement of Mr. Miguel follows:]

**TESTIMONY OF CHAIRMAN ROBERT MIGUEL  
ON BEHALF OF THE AK-CHIN INDIAN COMMUNITY**

**BEFORE THE U.S. HOUSE OF REPRESENTATIVES  
APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

March 18, 2016  
Rayburn House Office Building B-308

Mr. Chairman, Madam Ranking Member, and Members of the Subcommittee.

My name is Robert Miguel and I have the honor of serving as the Chairman of the Ak-Chin Indian Community ("Community" or "Ak-Chin").

Historically, our tribe has always been a farming Community. The name Ak-Chin is an O'odham word that means "people of the wash," for the irrigation our ancestors used to grow beans, corn and squash. Today, we own and operate Ak-Chin Farms, which employs about 85 people and cultivates more than 16,000 acres of farmland. With the rapid growth of the surrounding community, our gaming and hospitality industries have also grown into major sources of economic development for the surrounding communities.

Our Reservation directly borders the City of Maricopa, Arizona, both of which are approximately 35 miles south of downtown Phoenix, Arizona. In recent years, we have seen a great increase of tribal members returning to the Reservation from around the country and currently close to 80% of our enrolled members live on the Reservation. However, we still remain a small tribe with 1,033 enrolled members and our recent growth pales in comparison to the rampant growth of our neighbor, the City of Maricopa, Arizona. The City's growth has been overwhelming. It has gone from a population of 1,040 people in the 2000 Census, to approximately 47,442 in 2014. The rapid growth has forced the Community to adapt, as well as plan for continued long term growth in the corridor that connects Phoenix and Tucson, Arizona.

As the city surrounding us continues to grow at one of the fastest rates in the nation, we are committed to being good neighbors while also working hard to build a stronger future for the next generation of Ak-Chin tribal members. As our previous Chairman testified last year before this Subcommittee, and our message remains the same today, to evolve and meet these challenges, we need a Bureau of Indian Affairs ("BIA") that is flexible and willing to break free from the institutional and bureaucratic practices of a bygone era. We hope Congress will continue to push and prod the BIA into focusing on the realities facing tribes in 2016 and beyond.

**Ak-Chin Multi-Purpose Justice Complex**

The most tangible example of our work to protect the future of our Community is the recently completed \$18 million Ak-Chin Multi-Purpose Justice Complex ("Justice Complex"). The Community completely funded the construction of the \$18 million Justice Complex which was

dedicated on June 6, 2014, without any cost to the federal government. To the best of our knowledge, it is the first tribal justice center that was fully funded by a tribe.

The Ak-Chin Justice Complex is a truly state-of-the-art 56,000 square-foot complex. In the beginning of the planning phase for the project, the Community established a planning committee comprised of our police chief, chief judge, detention sergeant, capital projects manager and our contract and grants manager. They worked tirelessly to study and research other tribal justice facilities across the country to learn best practices from other tribes who had been able to benefit from federal appropriations for facilities construction.

By conducting this research, we came to the conclusion that there were great benefits and efficiencies to housing all aspects of the judicial system under one roof. Accordingly, our Justice Complex houses the Community's police department, public defender's office, prosecutor's office, detention and probation center and courts in one building. It uses state-of-the-art water and energy saving technologies throughout and was designed to ensure detainees could practice their religious beliefs, take GED or college courses online, and receiving CPR or food handling certifications.

From the beginning of the construction process, we worked extensively with the BIA to ensure the Justice Center met all BIA construction requirements necessary to qualify for federal Operations and Maintenance Funding ("O&M Funding") and the facility did receive its Permanent Certificate of Occupancy on September 24, 2014.<sup>1</sup> All of this work to obtain the Certificate of Occupancy, which took place over several years, was done in lockstep with the BIA with the understanding that it was the necessary step Ak-Chin needed to take to be eligible for O&M Funding. However, upon completion, the BIA denied our requests for the O&M Funding the tribe would otherwise been eligible for had we waited on the BIA to fund the construction process. It remains unclear if the facility will ever be eligible to receive O&M funding in the future.

The Community's decision to construct the Justice Complex is an example of our inherent right to exercise tribal sovereignty through self-governance and we hope it will serve as a model for other Indian communities well into the future. We hope to ensure that other tribes choosing to exercise their sovereignty in a similar matter in the future do not face the same bureaucratic roadblocks to receiving O&M Funding. Accordingly, we ask the Subcommittee to include Bill language that would require the BIA to work in consultation with tribal governments to develop a framework and policy that does not penalize tribes who decide to exercise their sovereignty by taking on cost of projects that should otherwise be a federal trust responsibility. While we still have much work to do with the BIA on this issue, we will continue to emphasize the importance of eligibility for O&M Funding to Ak-Chin and, likely to many other tribes taking on similar projects in the future.

### **Tribal Self-Funding of Federal Trust Responsibilities**

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<sup>1</sup> Prior to receipt of the Permanent Certificate of Occupancy, the facility was also operating in compliance with all BIA regulations under a Temporary Certificate of Occupancy.

Ak-Chin made the decision to fund the construction of our own facility based on the lack of federal appropriations for tribal facilities construction and the backlog of justice construction needs that already exist in Indian Country. Tribal government facilities and infrastructure continue to age and deteriorate far faster than the funds being appropriated for facilities construction, so we expect many tribes will also decide to self-fund major government construction projects in the future. This will apply far beyond justice related projects, but also to schools, roads, sewage plants, hospitals, and other infrastructure projects as tribes continue to exercise greater degrees of self-governance. Indeed, the Community has also self-funded our Central Plant, Waste Water Treatment Plant, Surface Water Treatment Plant, as well as roads and infrastructure projects.

It seems to us the federal government would want to encourage the tribes with the resources to do so to invest in their communities and take on projects that would otherwise linger too long waiting for the standard appropriations cycle. Indeed, our experience working with the BIA on the process for obtaining our Certificate of Occupancy was productive and relatively straightforward as we bore all of the costs of constructing the facility to BIA requirements. However, our experience working with the BIA following the completion of the project when we began to seek eligibility for O&M Funding has become a maze for the Community to navigate back and forth between local, regional and national BIA officials.

I am certainly not the first tribal leader to highlight the challenges of working with the BIA to this Subcommittee, and there are clearly some systemic issues I know this Subcommittee continues to work to address. However, in our case, we have consistently received assurances from certain BIA officials about the path we need to take and then after investing time and money following one Office's guidance, we have received a rejection of that approach entirely from another BIA official. Indeed, there seems to be little, if any, coordination or consistency in the information we receive from one BIA office to another. Clearly, our process remains ongoing and we appreciate the assistance of the many dedicated employees throughout the BIA, but considerable time and energy could be saved if we were able to rely on the assurances our trustees at the BIA have made to us throughout this process.

We know this experience is not unique and just as we hope that our Justice Complex will serve as an example for other tribes, we also hope our experience navigating the bureaucratic process with the BIA can help improve that process for other tribes who face the same situation in the future. Indeed, more and more tribes are becoming both capable and willing to exercise self-determination through significant construction investments in our own communities. This should be recognized and encouraged through a policy that encourages tribes to build facilities that meet BIA construction codes by ensuring O&M Funding will ultimately become available.

If tribes ultimately cannot receive O&M Funding after the expense and years of work put into building a completely OFMC health and safety code compliant Justice Complex, there would be little incentive to follow these regulations in the future. Tribal innovation needs to be embraced and encouraged by our federal partners, especially the BIA. We will continue our work to obtain O&M Funding for the Ak-Chin Justice Complex and we look forward to working with our delegation and the BIA to ensure the Community's eligibility. Furthermore, we hope Congress

will continue to work with the BIA to build a bureaucracy that is more flexible and responsive to the ever changing needs and capabilities of tribal governments.

### **Tribal Self-Governance**

In our continued work to secure O&M Funding for the Justice Complex, the BIA has cited nothing in federal law or Department of Interior Regulations that would restrict its ability to provide funding to a tribe that funded its own construction project. The Operations and Maintenance Program is explained in Part 80, Chapter 3 of the Indian. However, a recent and unfortunate Ninth Circuit opinion found that the Indian Self-Determination Act ("ISDA") only requires the BIA to enter a PL 93-638 Contract with tribes who are already receiving existing funding.

That case, *Los Coyotes Band of Cahuilla & Cupeno Indians v. Jewell*, limits tribes' options when they receive an outright denial for a newly requested self-governance contract. While it is clear that the BIA believes that the opinion in *Los Coyotes* gives it the power to deny every single application a tribe makes for new funding, we feel that such action is contrary to the intent of ISDA and the United States' strong policy statements promoting self-governance.

We recognize that the BIA, like any tribal government, is forced to operate under a Budget that is outside its control. However, budgets are first and foremost about priorities and we ask this Subcommittee to work with tribes and the BIA to ensure the BIA has a process in place to work with tribes who make the decision to construct their own government facilities.

Self-governance enables tribes, not the BIA, to run our own programs and ensure that these programs conform to our history and traditions to best serve our people. By running our own programs, we are also building the capacity of our people to effectively operate programs and our government far into the future. Indeed, self-governance benefits our community well beyond the people served by our programs.

### **Conclusion**

In conclusion, Mr. Chairman, Madam Ranking Member, and Members of the Subcommittee, I would like to thank you for holding this hearing to directly listen to the most pressing needs of tribes across the Country. It is an honor to represent my Community in Washington, DC and to continue the government-to-government relationship that was built by generations of tribal leaders that came before me. We have high hopes that this Committee will continue its good work to address the challenges tribes face from population growth, bureaucratic hurdles and in exercising the opportunities and promises of expanded tribal self-governance.

There has been great progress made from working together over many years, but as tribes and the country continue to change and evolve we will have much more work to do and we hope Congress can help push the BIA to be more flexible and responsive to growth and how tribes are forced to work within the environment that continues to change around us. We look forward to working with you all to create a future in Indian Country that we can all be proud of for the generations that will follow us.

Mr. COLE. Thank you for your testimony.  
Now, Mr. Manuel, we will move to you.

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FRIDAY, MARCH 18, 2016.

## **TOHONO O'ODHAM NATION**

### **WITNESS**

#### **EDWARD D. MANUEL, CHAIRMAN, TOHONO O'ODHAM NATION**

Mr. MANUEL. Thank you. Good afternoon, Chairman Cole, Ranking Member McCollum, and distinguished members of the subcommittee. My name is Edward D. Manuel. I am the chairman of the Tohono O'odham Nation, a federally recognized tribe with more than 32,000 members.

At 2.8 million acres, the Tohono O'odham Nation is one of the largest Indian reservations in the United States. We also share a 75-mile border with Mexico, the longest shared international border of any Indian tribe in the United States.

Thank you for the opportunity to testify about the Nation's Federal funding priorities. First, I would like to discuss our water settlement.

The President's budget request contains no funding to implement the Nation's historic water settlement, the Southern Arizona Water Rights Settlement Act, known as SAWRSA. SAWRSA authorized up to \$32 million for cooperative funds to pay for the delivery of water. The Nation's water settlement directed Interior to inform Congress of the amount necessary to carry out the settlement. However, Interior has never requested any funds or informed Congress that this settlement will fail without the funding.

As a consequence, the Bureau of Reclamation projects that our settlement may run out of funding for water deliveries within 3 years. This may lead to the closure of tribal farms, layoff of the employees, defaults on crop loans, and the breach of related agreement.

A water settlement is meaningless without water. We fully request that the committee direct Interior to provide notice of the cooperative fund shortfall and that funding be included in the BIA budget to implement our settlement.

Next, I will turn to law enforcement. The location and size of the Nation's reservation present unique and difficult law enforcement challenges. Tribal police patrol remote and isolated areas that are difficult to access. Radio communication among tribal and Federal law enforcement agencies is also unreliable, increasing the risks officers face in the field every day.

Due to the extensive shared border with Mexico, drug trafficking, illegal immigration, and border security divert limited tribal police resources from O'odham communities. The Nation spends millions of dollars in tribal revenues annually to help meet Federal border security responsibilities. Additional funding is desperately needed to improve communication, hire and train officers, to purchase vehicles, to increase the size of the jail, and to improve the security at the police station.

Next, I will discuss road funding. Maintaining the Nation's vast road system is a major challenge. Due in part to inadequate BIA funding, our reservation contains hundreds of miles of poorly maintained roads. The poor condition of the roads is worsened by flooding and heavy usage by Customs and Border Protection patrol vehicles. During the monsoon season, flooding also washes out our bridges, isolates communities, strands children on school buses, and prevents access for emergency vehicles. Sadly, a number of our people have been killed by flooding while traveling on these roads.

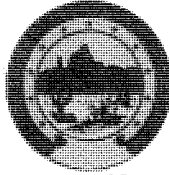
Despite the years of discussion, BIA and Border Patrol have yet to reach agreement on how they can use their existing appropriations and authorities to fund the repair of the roads damaged by Customs and Border Protection vehicles. We ask that the subcommittee work with the Homeland Security Subcommittee to make clear that both agencies have the authority and responsibility.

Finally, I would like to address healthcare funding. The IHS unit that serves the Nation in Sells, Arizona, is over 50 years old and one of the oldest facilities in IHS. The hospital is completely inadequate to serve the Nation's needs. Our hospital has been listed for replacement for over two decades. However, the backlog is so bad that there are several projects ahead of us on the priority listing.

Even with the requested budget increase, the Sells Service Unit still will not be fully funded. Additional funding is desperately needed for IHS to address this backlog. We ask the committee to provide a substantial increase to the IHS facility budget.

In conclusion, the Nation appreciates the subcommittee's dedication to provide Indian Country with much-needed resources in a very challenging climate. I am happy to answer any questions. Thank you.

[The statement of Mr. Manuel follows:]



**THE TOHONO O'ODHAM NATION OF ARIZONA  
TESTIMONY OF THE HONORABLE EDWARD D. MANUEL**

**HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**March 18, 2016**

**Summary of Budget Requests**

- 1. Funding for Interior's implementation of SAWRSA / AWSA water rights settlement.***
- 2. Increased funding for BIA Law Enforcement programs.***
- 3. Increased funding for BIA Roads Maintenance.***
- 4. Increased funding for Indian Health Service Facilities Construction.***

**Introduction & Background**

Good afternoon, Chairman Calvert, Ranking Member McCollum and distinguished Members of the Subcommittee. My name is Edward Manuel and I am the Chairman of the Tohono O'odham Nation, a federally recognized tribe with more than 32,000 members. The Tohono O'odham Reservation consists of more than 2.8 million acres in the Sonoran Desert, shares a 75-mile border with Mexico, and is one of the largest Indian reservations in the United States.

Thank you for the opportunity to testify about the Nation's federal funding priorities. Let me begin by saying that the Nation appreciates the Subcommittee's dedication to providing Indian Country with much-needed resources in a very challenging fiscal climate. My testimony will focus on the following priorities: funding to implement our 1982 water rights settlement, law enforcement, roads, and health care.

**I. Funding to Implement the Nation's 1982 Water Rights Settlement**

The President's Fiscal Year 2017 Budget Request contains no request for funding to implement the Nation's historic water settlement, the Southern Arizona Water Rights Settlement Act of 1982, Pub. L. 97-293 ("SAWRSA"), as amended in 2004 by the Arizona Water Settlements Act, Pub. L. 108-451 ("AWSA"). The Nation is facing a serious water crisis because of the United States' continued failure to fund this water settlement, despite statutory authorization and clear direction to Interior to do so. Under SAWRSA, as amended through the AWSA, the Nation gave up significant superior claims to ground water and surface water in the Upper Santa Cruz Basin. In

exchange for releasing these claims, the United States promised that the Nation would receive reliable, affordable and long-term access to Central Arizona Project (CAP) water.

*In SAWRSA, Congress created the Cooperative Fund to pay for water deliveries:* The parties to the settlement recognized there would be costs associated with the delivery of the Nation's CAP water. To address these ongoing delivery charges in 1982 Congress created the Cooperative Fund and authorized \$16 million in federal contributions toward the Fund. But in fact, the United States has never made this contribution to the Fund. In 2004, Congress doubled the United States' promised contribution to \$32 million, and explicitly identified the Lower Colorado River Basin Development Fund as an additional source for this funding. SAWRSA as amended provides that Interior must provide notice to Congress of the funding amounts necessary to carry out the United States' obligations under the Act. However, despite repeated efforts to spur the Department into action, Interior has never requested any of the \$32 million authorized under SAWRSA.

*Failure to make federal contributions leaves the Cooperative Fund severely undercapitalized:* The settlement provided that the federal government can only use the interest (and not the principal) for the Nation's water delivery costs. Had the two \$16 million federal contributions been deposited as intended, the principal and accrued interest on these deposits would total more than \$90 million today. Instead, as of March 4, 2016, there is only \$34,393,003 in the Fund, less than \$14 million of which is expendable interest. Again, despite repeated efforts to urge the Department to act, Interior has never officially notified Congress of the Fund shortfall.

*Federal projections show that the Cooperative Fund will run out of interest within three years:* Because these key federal contributions were never made, the Cooperative Fund is in jeopardy – Interior modeling shows that the Fund will run out of expendable interest within three years if the Nation uses the CAP water entitlement guaranteed by its settlements. At present, the delivery costs chargeable to the Cooperative Fund are approximately \$4.5 million per year. These delivery costs continue to rise with the increase in the cost of energy needed to deliver the CAP water. In the absence of swift action to rectify the implementation problems under SAWRSA and AWSA, the Nation will not be able to receive the benefits of the substitute water supply promised to the Nation in the settlements.

*If the Cooperative Fund runs out of interest, the Nation will be unable to take delivery of its CAP replacement water, and the consequences will be severe:* Unless SAWRSA is funded as Congress has authorized and directed, the Nation will not receive the benefit of its bargain and may lose access to its water entitlements – resulting in the closure of long-operating farms in which the Nation has invested tens of millions of tribal dollars, layoffs for dozens of employees, default on crop loans, and the breach of related water settlement agreements.

***Interior must act to begin to adequately capitalize the Cooperative Fund:*** The Nation respectfully requests that this Committee direct Interior to provide formal notice of the Cooperative Fund shortfall and that funding be included in the Fiscal Year 2017 Budget for the Bureau of Indian Affairs. Without water, water settlements are meaningless, and we ask the Congress to ensure the agreement the United States made with the Nation is fully implemented.

## II. Law Enforcement

The President's Fiscal Year 2017 Budget requests \$341 million for Bureau of Indian Affairs Law Enforcement, which is a decrease of over \$6 million from the Fiscal Year 2016 enacted level. The Nation requests that Congress increase funding for BIA law enforcement, not decrease it.

*The Nation faces significant and unique law enforcement challenges:* The location and size of the Nation's reservation presents unique and difficult law enforcement challenges. The Tohono

O’odham Police Department (TOPD) must cover a huge geographic area, including many remote and isolated areas that are difficult to access. Communication among law enforcement agencies is also a challenge. In addition, our reservation includes a 75-mile southern border with Mexico, which is the longest shared international border of any Indian tribe in the United States. In addition, there are fourteen O’odham communities with a population of 1,800 members located across the border. These tribal members living in Mexico present unique border issues and challenges for the Nation. Because of the Nation’s location at the border, drug trafficking, illegal immigration and border security divert tribal police force resources. The Nation spends millions of dollars annually from tribal revenues to help meet the United States’ border security responsibilities.

*Current funding is utterly inadequate to meet the needs of tribal law enforcement:* As NCAI has noted, “The Bureau of Indian Affairs recently conducted an analysis of law enforcement needs pursuant to the Tribal Law and Order Act, and found that current funding meets only 42 percent of the need for law enforcement, and an additional \$337 million is needed to bring staffing up to median county government law enforcement levels based on population.” (NCAI Budget Request FY17). The Nation’s unique law enforcement needs require even greater resources. In 2015 TOPD officers handled 92,887 calls for service – a 5.26% increase in calls over 2014 figures. During the same year, TOPD and Customs and Border Protection (CBP) seized over 368,000 pounds of marijuana on the Nation. These increased law enforcement needs have led to significant capacity challenges at the Nation’s Corrections Center, where a facility with a rated capacity of 107 beds serves an average daily population of 140 inmates. Millions of dollars in additional funding is desperately needed to address improvements at the Corrections Center (\$2.1 million) and to hire and train officers, purchase vehicles, and to improve the security of the police station (\$5.9 million).

***The Nation strongly supports NCAI’s funding recommendations:*** The National Congress of American Indians (NCAI) recommends an increase in funding for BIA law enforcement by at least \$200 million over the FY 2015 funding level of \$328 million (*the FY 2016 enacted level was \$347.9 million*), including an increase in funds for officer recruitment and training and for tribal detention facilities operations and maintenance. The Tohono O’odham Nation strongly supports and concurs in that request.

### III. Roads Funding

For Fiscal Year 2017 the President has requested \$26.8 million for BIA Road Maintenance, an increase of only \$90,000 from the Fiscal Year 2016 enacted level. NCAI has advocated for a significantly greater funding level, at \$40 million.

The BIA Road Maintenance Program is responsible for maintaining approximately 29,400 miles of roads in Indian Country, and the funding for that program has been woefully inadequate for years. According to NCAI, the current deferred maintenance for BIA roads is in the neighborhood of \$300 million.

*The Nation has hundreds of miles of poorly maintained roads:* The Tohono O’odham Nation’s reservation encompasses over 4,500 square miles. There are hundreds of miles of roads on the Nation, including approximately 500 miles of arterial and collector roads (roads with significant traffic and higher speed limits), plus many more local and dirt and gravel roads used by the Nation’s members. Maintaining the Reservation’s vast road system is a major challenge. Our roads are in very bad condition, due in large part due to inadequate BIA funding for repair and maintenance. The poor condition of the roads is further exacerbated by heavy monsoon rains and flooding. The roads are marred by sink holes, pot holes, broken and cracked pavement, and weakened and washed out bridges. During monsoon season, the flooding often completely inundates the roads and makes them impassable; it also washes out bridges, isolating communities, stranding children on school

buses and preventing access for emergency vehicles. A number of our people have been killed by flooding while traveling on these roads.

*Bureaucratic red tape further exacerbates road damage:* The Nation's already deteriorated roads suffer further damage from heavy usage by CBP vehicles, which have increased dramatically in number on the Nation's reservation in response to border security issues. The poor conditions of these roads negatively affects CBP's and TOPD's ability to respond to emergencies and support mission critical operations, and tribal members' ability to undertake simple day-to-day activities like driving to the grocery store or doctor's office. Both the Nation and CBP need roads that are accessible and safe to travel, and that ensure the safety and security of tribal citizens, TOPD law enforcement, and CBP patrol officers.

The Nation has attempted to work with CBP to repair these damaged roads, but BIA objects to these repairs because of liability concerns while at the same time acknowledging that the BIA does not have the funding to repair them. Despite years of discussion, BIA and CBP have not been able to reach agreement on how they can use their existing appropriations and authorities to fund the repair of the roads damaged by CBP vehicles -- effectively endangering the safety of both CBP and the Nation's citizens using those roads.

We ask that the Subcommittee work with the HSGAC Subcommittee to make clear in both Appropriations bills that both agencies have authority and responsibility to use their funding to repair and maintain the Nation's roads that have been damaged by CBP vehicles.

***The Nation strongly supports NCAI's funding recommendations:*** In sum, the Nation strongly supports NCAI's recommendation that Congress provide \$40 million for the BIA Road Maintenance Program -- as NCAI has made clear, this is the minimum amount needed "to begin to address the most critical maintenance needs of BIA roads in Indian Country." (NCAI Budget Request 2017).

#### **IV. Health Care**

The President's Fiscal Year 2017 Budget Request includes \$132 million for Health Care Facilities Construction, an increase of \$27 million from the Fiscal Year 2016 enacted level. The increase will provide an additional \$11.4 million for construction projects from the Health Care Facilities Construction Priority List. This will provide funding for the six Health Care Facilities Construction projects in FY 2017, none of which are on the Nation.

*The Indian Health Service Unit that serves the Nation in Sells, Arizona is over fifty years old and one of the oldest facilities within IHS:* The Sells IHS Unit can handle only minor medical issues, and is completely inadequate to serve the Nation's needs. The Sells replacement hospital has been on the IHS facilities construction list for more than twenty years. There are several projects ahead of the Nation's Sells IHS Unit on the priority list, totaling hundreds of millions of dollars. Even with the requested budget increase, the Sells Unit still will not be funded, although it will be closer to being funded. This illustrates the need for additional funding for Health Care Facilities Construction. Additional funding is needed for IHS to work its way down the "priority list" and eventually begin work on a replacement facility for the Nation.

***We ask that the Committee provide substantial increases to the IHS Facilities budget.***

Mr. COLE. Thank you very much for your testimony.  
Mr. Coochise, we will move to you next, if we may.

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FRIDAY, MARCH 18, 2016.

## INDEPENDENT TRIBAL COURTS REVIEW TEAM

### WITNESS

**ELBRIDGE COOCHISE, CHIEF JUSTICE RETIRED, INDEPENDENT TRIBAL COURTS REVIEW TEAM**

Mr. COOCHISE. Good afternoon, Chairman and members of the committee. I am Elbridge Coochise. That is how you—when you said Cochise, he has only got one “O.” Besides, he is Apache and I am a Hopi.

Mr. COLE. You can’t expect much from an Oklahoma Chickasaw. You got to take what you got.

Mr. COOCHISE. Anyway, I am representing our Independent Review Team. We have done court reviews for a number of years and we still do every now and then. But I thank the committee for allowing us to make our statements and requests.

We are certainly supporting the \$2.6 million in the President’s budget. However, that is not sufficient to even come close to implementing the Tribal Law and Order Act and the Violence Against Women Act, because even in those two, the requirements for tribal courts require for non-Indians attorneys who are licensed to practice and the cost is prohibitive even to what they can do now. And certainly we are still requesting the increase of \$58.4 million under the Tribal Justice Act, which we pushed for years and you authorized, but there has never been any money allocated under that act.

The problems our courts are having is when you have got the additional requirements and then even for simple grants—we still have tribes, not only here in what we call the lower 48 and Alaska, have no access to the Internet system, and all the grant funding for reporting and getting require reporting and using the Internet. And a big cost that some of our tribes are finding is to report under the SORNA, the fingerprinting and those things, because one machine costs \$10,000, and that is usually more than a court has for anything.

Even last year, I sat on for one court pro-teming, heard 14 jury trials. And it wiped out their budget because they just didn’t have the budget to deal with it.

And so we make that request and recommend that the TLOA Act be funded so that tribes can comply with the requirements. And the initiative, the new one that was started last year, 2015, the Tiwahe Initiative, and that is not even being implemented because of the lack of funds.

And so when you look at that, the issues of hiring or paying salaries is almost a moot issue because the tribes don’t have the money, even if they only hire a judge, say, for 1 day a month like a lot of places. And the initiatives that the Bureau was using to, especially in Alaska, trying to make Western-type Anglo-Saxon courts, it doesn’t work up there because they are a cultural setting. And that is not what they want in their system.

And so when you look at that, even if you changed it, there are no funds to operate those systems. And so we are recommending and asking the committee to look at and finance with sufficient funding to carry out those acts that have been implemented so that the tribes have their court systems with a sufficient number of not only staffing, but funding to operate so they provide due process to everybody that comes before their courts.

And so with that, I thank the committee for allowing us to come before the committee to testify.

[The statement of Mr. Coochise follows:]

<b>INDEPENDENT REVIEW TEAM</b>
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**ORAL TESTIMONY OF ELBRIDGE COOCHISE AND RALPH GONZALES, CHIEF JUSTICES, RETIRED  
INDEPENDENT TRIBAL COURTS REVIEW TEAM  
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS  
SUBCOMMITTEE FOR THE FISCAL YEAR 2017  
BUREAU OF INDIAN AFFAIRS APPROPRIATIONS  
March 18, 2016**

Thank you for the opportunity to testify today and to address the serious funding needs that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. We are representing the Independent Tribal Court Review Team. We thank this Committee for the additional \$10.0 million funding in FY 2010, the last significant increase. These funds were a blessing to Tribes. Even minimal increases are always put to good use. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased in FY 2017 to support the needs of Tribal judicial systems.

**BUDGET PRIORITIES, REQUESTS AND RECOMMENDATIONS**

1. **+\$2.6 Million - Support FY 2017 Proposed Increased for Tribal Courts**
2. **+\$58.4 Million authorized under the Indian Tribal Justice Act of 1993, P.L. 103-176, 25 USC 3601 and re-authorized in year 2000 P.L. 106-559 (no funds have been appropriated to date)**
3. **Support the requests and recommendations of the National Congress of American Indians**

**The increase will support:**

1. Hiring and Training of Court Personnel
2. Compliance with the Tribal Law and Order Act of 2010
3. Compliance with and implement the VAWA Act of 2013
4. Salary Increases for Existing Judges and Court Personnel
5. State-of-the-Art Technology for Tribal Courts
6. Security and Security Systems to Protect Court Records and Privacy of Case Information
7. Tribal Court Code Development
8. Financial Code Development

**The Independent Tribal Courts Review Team supports the proposed \$2.6 million increase for Tribal courts in the FY 2017 President's Budget.** Tribal Courts need an immediate, sustained and increased level of funding. The lack of funding has delayed implementation of the Tribal Law and Order Act (TLOA) and the Violence Against Women Act (VAWA) to a critical level and the resources that have been appropriated are required to provide Attorneys to represent Non-

Indian defendants which further strain the capacity of the Tribal Judicial System. Tribal systems remain underfunded, understaffed and ill-equipped to function effectively and in a manner comparable to non-Indian government judicial systems. Tribal Courts are at a critical stage in terms of need. The Tiwahe Initiative, as a means to be responsive to Tribal concerns, demonstrates that the Administration and Congress are listening to the Tribes, but there needs to be a greater effort to fund the authority that was enacted in 1993.

Section 402 of TLOA reauthorized the Tribal Justice Act, and Indian Tribal Justice Technical and Legal Assistance Act of 2001. These Acts authorize funding for Tribal court judges, court personnel, public defenders, court facilities, and the development of records management systems and other needs of Tribal court systems. The Tribal Justice Act, originally enacted December 1993, authorized the appropriation of \$58.4 million in Tribal court base funding. Yet, not a single dollar under the Tribal Justice Act has been appropriated in the twenty-two years since it was enacted. Of particular note is the provision of the Tribal Justice Act that states that Federal funds may be used specifically for “training programs and continuing education for Tribal judicial personnel.” Appropriations should finally be made to fulfill the promise of these Acts.<sup>1</sup> **We recommend that the Interdepartmental Tribal Justice, Safety and Wellness Session, of which the Department of the Interior (DOI) is a member, resume outreach to support the efforts of TLOA, VAWA and the Tiwahe Initiative.**

The Tiwahe Initiative was launched in 2015 to address several lagging family welfare and poverty issues in Indian country including a strategy to reduce incarceration in Indian Country. The alternative to incarceration is intended to address underlying causes of repeat offenses, such as substance abuse and the lack of adequate social service support, by utilizing alternative courts to increase treatment opportunities, probation programs, and interagency and intergovernmental partnerships with Tribal, State and Federal stakeholders. In response to the unusual high rates of alcohol and/drug related repeat offenders that are dominating the resources of the justice system, the Bureau of Indian Affairs (BIA) created the Diversion and Re-Entry Division (DRD) within the Tribal Justice Support Directorate. In FY 2016 Tribal Courts received a 4.9% increase, and the budget request for 2017 is \$2.6 million over the enacted 2016 level. There is an even greater need to ensure that Court personnel are trained, equipped and prepared to address these new challenges. **We support the FY 2017 proposed \$21.0 million increase for Tiwahe to expand social services, Indian Child Welfare, housing, Tribal courts and job placement and training.**

#### **Background:**

The Bureau of Indian Affairs provides funding to Tribal governments to supplement their justice systems including courts. Tribal courts play a “vital role” in Tribal Self-Determination and Self-Governance as cited in long-standing Federal policy and Acts of Congress. Funding levels from BIA to support Tribal justice systems have not met the Federal obligations.

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<sup>1</sup> Defining the Indian Civil Rights Act’s “Sufficiently Trained” Tribal Court Judge, Jill Elizabeth Tompkins, American Indian Law Journal [Vol. 4:53]

There is a great deal of variation in the types of Tribal courts and how they apply laws. Some Tribal courts resemble Western-style courts in that written laws and court procedures are applied. Others use traditional Native means of resolving disputes, such as peacemaking, elders' councils, and sentencing circles. Some Tribes have both types of courts. The BIA also manages a small number of CFR (Code of Federal Regulations) courts.

Since 1999, Bureau of Justice Assistance (BJA) in the Department of Justice (DOJ) has administered the Tribal Courts Assistance Program, designed to provide funds for Tribes to plan, operate, and enhance Tribal judicial systems. They have made attempts to evaluate Tribal Courts but discovered their means of doing so was insensitive to American Indian and Alaska Native (AI/AN) people and unrealistic in the absence of elements that were key to Indian Country, such as: (1) the importance of Tribal culture and traditions; (2) the inability to apply state and local criminal justice initiatives to Tribal settings; (3) the lack of cooperation from non-Tribal entities; and, (4) the lack of available data on Tribal justice.

The Independent Tribal Court Review Team has had more hands on success in reviewing Tribal Court Systems. For seven years, we traveled throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed 84 Court Reviews. We also completed 28 Corrective Actions. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

***Justification for Request:***

1. **Hiring and Training of Court Personnel** - Tribal Courts make do with underpaid staff, under-experienced staff and minimal training. (We have determined that hiring Tribal members limits the inclination of staff to move away; a poor excuse to underpay staff.)
2. **Compliance with the Tribal Law & Order Act of 2010** – To provide Judges, Prosecutors, Public Defenders, who are attorneys, who are bared to do “enhanced sentencing” in Tribal courts
3. **Compliance with the 2013 VAWA Act** – to provide Tribal Courts with the ability to provide non-Indians with all the rights under the U.S. Constitution in domestic violence actions in Tribal courts (12 person juries, provide Licenses attorneys for non-Indians, provide licensed attorneys in court personnel in domestic violence cases as in TLOA, etc.)
4. **Salary Increases for Existing Judges and Court Personnel** – Salaries should be comparable to local and State Court personnel to keep pace with the non-Tribal judicial systems and be competitive to maintain existing personnel.
5. **Tribal Courts Need State-of-the-Art Technology** - (software, computers, phone systems, tape recording machines.) Many Tribes cannot afford to purchase or upgrade existing court equipment unless they get a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.
6. **Security and Security Systems to Protect Court Records and Privacy of Case Information** - Most Tribal Courts do not even have a full time Bailiff, much less a State-of-the-Art security system that uses locked doors and camera surveillance. This is a tragedy waiting to happen.
7. **Tribal Court Code Development** - Tribes cannot afford legal consultation. A small number of Tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in

economic development so code development does not take priority. Tribes make do with under-developed Codes. The Adam Walsh Act created a hardship for Tribes who were forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)

- 8. Financial Code Development** - We have rarely seen Tribes with developed financial policies. The process of paying a bond, for example, varies greatly from Tribe to Tribe. The usual process of who collects it, where it is collected and how much it is, is never consistent among Tribes.

There are many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to allocate funding to Courts before other costs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts.

Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional experience. Tribal Court systems have Appellate Courts, jury trials, well-cared-for Courthouses (even the poorer Tribes), and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts do offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally not law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

On behalf of the Independent Tribal Court Review Team, Elbridge Coochise, Ralph Gonzales, Charles Robertson, Philip Lujan and Myrna Rivera, thank you for this opportunity to appear before you today.

Mr. COLE. Thank you very much for your testimony.

Ed, I am not even going to try after I did, so give me——

Mr. SECAKUKU. It is a Hopi name too, but I am with the Ute tribe.

Mr. COLE. Could you give us the correct pronunciation?

Mr. SECAKUKU. Secakuku. Secakuku.

Mr. COLE. I might have gotten that.

You are recognized for 5 minutes.

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FRIDAY, MARCH 18, 2016.

## UTE TRIBE OF UTAH

### WITNESS

#### ED SECAKUKU, VICE-CHAIRMAN, UTE TRIBE OF UTAH

Mr. SECAKUKU. Good afternoon, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to testify. My name is Ed Secakuku. I am the Ute Tribal Business Committee vice chairman.

The Ute Indian Tribe respectfully requests the subcommittee to take action on two issues that are vital in Indian Country. We need the subcommittee's immediate support for our new Justice Center and continued support in Indian energy.

First, we need \$4.85 million in fiscal year 2017 to staff and operate our new Justice Center that we built on BIA's behalf. I know that you will hear many important funding requests during these hearings. I cannot emphasize enough the real world impacts of these requests.

The Ute Indian Tribe spent the last 5 years designing and building a new \$35 million Justice Center to replace the BIA's jail that was condemned in 2006. Let me be clear, this is a BIA Justice Center. The Federal Government has a treaty and trust responsibility to provide law enforcement on our reservations. BIA and DOJ try to fill that responsibility, but they are always underfunded.

After our BIA jail was condemned in 2006, we were on the BIA's priority construction list for years. However, due to a shortage of funding and change in policies, both BIA and DOJ stopped funding jails and Justice Center construction. We were forced to take matters into our own hands.

The Ute Indian Tribe funded construction of our new \$36 million Justice Center. We followed the same standards, the same procedures as if the BIA or DOJ had funded the construction. Our new Justice Center provides space for law enforcement, detention, tribal courts, and treatment. Our new Justice Center is a model for Indian Country and could be a national leader providing alcohol and substance abuse treatment while being incarcerated.

But we can't do this without any of your support. In the short term, BIA needs \$4.85 million in the fiscal year 2017 to get this Justice Center up and running. In the long term, the Ute Indian Tribe and all tribes need the subcommittee to increase BIA's law enforcement and justice funding to meet the need in Indian Country.

Without real funding, tribes cannot implement the Tribal Law and Order Act or the Violence Against Women Act. Congress passed these laws because they address serious issues in Indian Country. We have done our work, we made a significant tribal contribution, and we are here to ask for the funding need to implement the laws you passed.

We also ask that you open up Medicare and Medicaid funding to help support alcohol and substance abuse treatment for detainees. Many studies show the relationship between addiction and crime on Indian reservations, but current laws prevent Medicare and Medicaid funding to help solve the problem.

Current laws also restrict IHS and the Substance Abuse and Mental Health Services Administration from treating addiction in tribal and Federal jails. How can we fix the problem if we cannot treat those that are most in need?

The Ute Indian Tribe strongly supports Federal policies promoting alternatives to detention. These are cost-effective solutions that treat the real causes of criminal activity. But without Medicare, Medicaid, and IHS funding, alternatives to detention will never become a real alternative.

The second issue we need your immediate action on is funding for Indian energy. We appreciate the subcommittee's support for the BIA Indian Energy Service Center in Denver, Colorado. In fiscal year 2016, the subcommittee provided \$4.5 million to establish a service center. The center will support efforts at the local level to process energy permits.

Despite strong support, the President did not include funding needed for fiscal year 2017 to staff and operate the Service Center. The Ute Indian Tribe asks that the subcommittee provide \$13 million needed to fully fund the Service Center so that it can open and begin operation as soon as possible.

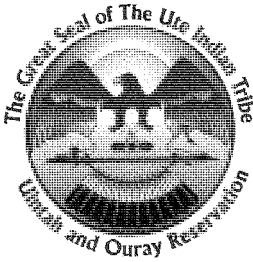
Just like law enforcement, supporting Indian energy is an area where this subcommittee can make a real impact in the lives of tribal members. Indian energy funds our government and services we provide to our members. It also employs thousands of people and supports economic activity across our region.

Despite these benefits, the President proposed only \$5.9 million of BIA's national budget for conventional energy resources. As you can see on the chart, BIA's budget is only 3 percent of \$187 million proposed for BLM. BIA's energy budget is about the same as the Fish and Wildlife Service.

This is unacceptable. Tribal governments provide lifesaving and essential services to our communities. The Federal Government support to tribal law enforcement and justice must be increased to meet the need and we need a budget bigger than the Fish and Wildlife Service's budget to unlock the potential of our energy resources.

Thank you for this opportunity to testify before you. And I am available for any questions that you all may have. Thank you.

[The statement of Mr. Secakuku follows:]



## **UTE INDIAN TRIBE**

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### **U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies**

#### **Testimony of Ute Tribal Business Committee Vice Chairman Ed Secakuku**

**March 18, 2016**

Good afternoon Mr. Chairman and Members of the Subcommittee. Thank you for the opportunity to testify. As in past years, our testimony asks this Subcommittee for support in two areas where increased attention and funding can make a significant impact for the Tribe and much of Indian Country. These areas are law enforcement and detention, combined with alcohol and substance abuse treatment, and energy development on Indian lands.

#### **FUNDING FOR STAFFING AND OPERATING THE TRIBE'S NEW JUSTICE CENTER**

As you are aware from our past testimony, the Bureau of Indian Affairs' (BIA) constructed and BIA operated detention center on our Uintah and Ouray Reservation was forced to close in 2006 when that facility become unsafe for detainees and staff. Luckily, when that happened, the Ute Indian Tribe was able to use tribal funds to repair areas of the otherwise dilapidated building which were housing our BIA law enforcement and tribal court. Thus, they were not forced to close. But, given the age and condition of the building those repairs were only temporary.

When our facility was closed, BIA made a firm commitment to replace it as soon as possible and, to its credit, BIA placed the facility at the top of its law enforcement construction priority list. It also used taxpayer funds to help us complete a pre-planning study for a new facility. Unfortunately, by the time that the pre-planning study was completed, BIA had stopped funding detention facilities and tribal court construction in Indian country. This left the Ute Indian Tribe with a serious problem. We have the second largest reservation in the country and criminal jurisdiction over Indians activities on our reservation is exclusively federal and tribal.

Things became difficult almost immediately. Having no place to house arrested persons or sentenced offenders, BIA started sending our people to county jails where they were subject to racial discrimination and mistreatment. To make matters worse, BIA's agreements with these facilities were, and still are, so limited that our tribal judges are often forced to release one prisoner in order to detain another.

To be clear, the Ute Indian Tribe will be among the first to support alternatives to incarceration whenever possible, but like most large land based tribes, we have become frustrated with the way that this goal is currently being viewed. Our law enforcement officers and judges are skilled professionals and they know our community better than any outsider. Thus, they are in the best position to judge when they can deliver someone home with a Notice to Appear, and when doing so endangers the public.

We have cases of domestic violence, drug trafficking and gangs where, more often than not, those involved need to be taken off the street. Ankle bracelets and appearance notices simply do not work in these instances, especially when we have so few officers to respond to violations. I ask you, if someone was threatening to harm your daughter, and if they had actually done so on two prior occasions, would you want them sent home with an ankle bracelet when you know that the police response time is well over an hour. These are the situations that get ignored when people focus exclusively on "alternatives to incarceration". So, in short, there are some jails and some tribal courts that Indian Country simply cannot do without and ours is one of them.

When drugs became a serious problem in our community, the Ute Indian Tribe had no choice but to act. First, we met with BIA budget staff. We were told that even though our jail was still at the top of the BIA's replacement priority list, budget constraints were preventing BIA from reinvigorating its jail and court construction program. Then we went to the Department of Justice (DOJ), where we found that its' detention facility construction program was incapable of funding a structure the size that we required to meet BIA specifications. We also learned that the few dollars that DOJ did have available for detention related construction activities came with a multitude of restrictions which undercut the integrity of construction efforts, so we closed that door as well. To be honest, I am glad we did, because a year after our last meeting with DOJ, they stopped funding new construction of tribal jails and court buildings all together. Thus, any DOJ money that we would have utilized would have resulted in a misuse of taxpayer dollars.

With no federal help in sight, the Ute Indian Tribe was forced to obligate and expend over \$36 million of its own tribal funds to replace its BIA's original Justice Center. The building we have constructed replaces our old BIA operated jail, provides a new suitable place to house our BIA operated law enforcement, and adds the additional court space that we need to fully implement the new provisions of the Violence Against Women Act and the expanded jurisdiction provisions of the Tribal Law and Order Act.

With the full involvement of BIA's Office of Justice Services, we followed the same procedures that we would have followed if BIA or DOJ had been funding the construction. BIA was involved in the development of the program of requirements, it approved the construction plans, it is performing the final inspections of the building, and it has prepared the pre-opening, staffing and operating budgets for the facility. Given the fact that this is a replacement facility which BIA's Office of Justice Services clearly wants, and the fact that BIA had been intimately involved in its planning and design, we were shocked to see that no operating dollars for this facility were included in BIA's FY 2017 budget request. We need your help to correct that problem and we are today submitting the \$4.85 million request that BIA should have submitted on our behalf.

### PROVIDING TREATMENT SERVICES IN OUR JUSTICE FACILITY

Under BIA's planning procedures, the detention areas in our new justice center were slightly oversized to accommodate increases in population over time. This led us to start thinking early on about how we might be able to utilize this extra space to stop future crime. We have long recognized that in our community, and in the other Indian communities in our region, a sizable percentage of the people who come before our criminal justice systems are there because of alcohol or substance abuse. Alcohol and drug addictions lead people to commit crimes, they destroy families, and they ultimately cost the taxpayers a sizable amount of money.

Through conversations with BIA's Office of Justice Services, we learned of the success that BIA has had in providing detention based alcohol and substance abuse treatment programs to sentenced Indian offenders. We also learned that despite the proven success of this program, and despite the sizable drop in repeat offenders that it is creating, BIA is still forced to procure these services from private non-Indian contractors when, and only when, it can find monies to do so. Given the numerous studies showing the clear relationship between alcohol and substance abuse on on-reservation crime, it makes no sense that a full six years after the passage of the Indian Law and Order Act, there is still no Indian operated detention facility in the country offering a culturally driven, professionally staffed alcohol and substance abuse treatment program to Indians. We want to change that by creating the first of these programs at our justice facility and by opening that program up to sentenced offenders from around Indian Country.

When we embarked on this idea, it seemed proper that we could obtain a percentage of the operating funds for this treatment effort by billing Medicare, Medicaid, and by working with the Indian Health Service (IHS) and the Substance Abuse and Mental Health Services Administration (SAMHSA). However, we were shocked to learn that Medicare and Medicaid laws prohibit the use of their dollars to treat "sentenced" persons, and even more shocked to learn that federal law does not allow IHS and SAMHSA employees, or IHS or SAMHSA funded persons, to treat addicted individuals in tribal/federal jails.

Both of these laws make no sense, and should be changed, but until they are, we are asking for \$750,000 in IHS funding to create this program and a waiver of IHS's existing policies prohibiting IHS funded treatment in our tribal jail. We believe that this effort is consistent with the federal "alternatives to detention" policy and that it is a cost effective program that can make a real difference to the individuals and the tribal communities it proposes to serve.

### SUPPORT FOR THE INDIAN ENERGY SERVICE CENTER

The Ute Tribe would like to thank the Subcommittee for providing the \$4.5 million that the BIA requested in FY 2016, to establish an Indian Energy Service Center that will assist local BIA Agency Offices in processing energy permits. The Ute Tribe have long been a strong advocate for increased funding and streamlined permitting for Indian energy resources and the Service Center that the BIA is currently developing is a direct result of the efforts that we put forth with other tribal energy producing tribes.

Given the strong support for this new Service Center, we cannot understand why the BIA has not requested the funding required to implement the next phase of this effort. From its inception, the BIA Director and his staff have told us that this Service Center would be set up and staffed over a two or three year period, and that the success or failure of this Service Center will rest squarely on its ability to hire the full complement of staff laid out in its operating plan and adequately fund their efforts. We therefore call upon the Subcommittee to add the remaining \$13 million necessary to fully fund the Service Center so that it can open and operate at the level intended as quickly as possible.

The Administration and Congress must focus the same attention on oil and gas permitting on Indian lands as it does for energy development on federal lands. The failure of BIA to request the funds needed to fully implement the Indian Energy Service Center is just one example. More broadly, BIA's energy budget should be increased to levels provided for the BLM to manage federal public lands.

In FY 2017, the President requests \$187 million for BLM management of conventional energy resources. This is a \$28 million increase. Meanwhile, the President requests only \$5.9 million for BIA and no increase over last year. BIA's energy budget is almost the same as Fish and Wildlife Service's energy budget. This is an outrage!

Congress and the Administration must do more to recognize the value of Indian energy development. Indian energy development provides needed jobs and economic development in Indian Country and often rural areas surrounding our reservations. In addition, we use the funding from Indian energy development to fund our government, make up for BIA and IHS budget shortfalls, provide services to our members, and maintain our infrastructure. The benefits of Indian energy development far exceed the benefits from energy development on federal public lands.

In our case, the Ute Indian Tribe is only able to produce about 10 percent of its capacity because of limited BIA funding. In fact, our industry partners continue to cite the federal permit process as their single biggest business risk. We therefore ask that the Subcommittee provide needed funding to implement BIA's proposed Indian Energy Service Center and we also ask you to provide additional funding to hire experienced staff in local BIA Agency Offices.

Thank you for the opportunity to testify today. The Ute Indian Tribe stands ready to assist the Subcommittee in support of the budget requests in any way possible.

Mr. COLE. Thank you very much for your testimony.

Mr. Manuel, or Chairman, let me go to you first, if I may. On your water settlement issue, can you shed some light on what normally happens when there is a settlement that the administration has not included in its request. What do we have to have to trigger the action. Is there any particular reason that you are aware of as to why they haven't included the settlement cost? Because that is very legitimate.

Mr. MANUEL. My understanding was that there were some moneys put in at the local level in the State. And so they are utilizing those moneys. And the projections that BLM made was that it would last for quite some time, but they were estimating on the usage from the Nation how much water we are going to utilize of the 66,000 acres that we got. And at that time, we were only utilizing around 16,000 acres per year. So they estimated it was going to take a long time before they run out of funding.

But the Nation came back and started utilizing, they utilized 100 percent of the water. So when we increased the water usage, it increased the cost. So they came back and they estimated it is going to run out of water by 2017 at the rate we are using the water, which is 100 percent.

So they started looking at other sources of funding as to how they can come up with the moneys. And they are looking at using less water from the Colorado River, which is what we have done. We have had to cut down on the usage of our water. Because some of that water we also store, because it is just running down the river and somebody else is using it. So we started to store it so we can get some credits on it. And that is one of the reasons why.

So we had to reduce our storage to cut down our usage on the Colorado River. But still we are still going to run out of water. So we have been asking the Bureau why haven't you gone back and asked for that additional funding that is there and it hasn't happened yet.

Mr. COLE. We will put an inquiry into that.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I was frantically looking up what some of these initials meant for some of the water settlement, because more and more tribes are coming to us about water settlements. It is a new issue for me, as we don't deal with that in the MAST area from the Great Lakes. So thank you for your explanation.

Mr. Miguel, when we do the joint venture projects for hospitals, people know that they are building a hospital. They know what the plans are going to be. There are guidelines issued. So there were guidelines that you went through. They know that that hospital is coming online and what they need to fund.

So help me understand how you were talking to people about building a facility. Did they approve the facility? You said it was up to their code, so they were approving it. Did you ever have that in writing? For example, were you told 90 days or a year after the facility would be built that they would fulfill its obligation for operations? Did you ever get anything like that in email?

In the hospitals, people are talking to each other when they do the joint facilities. Do you have two groups that aren't talking to

each other? How did you get caught in the middle of this? Do you have any idea? Do you have any emails or anything to share with the committee later?

Mr. MIGUEL. Well, I am one of the newest council members and this project was moved on before I got on the council. And really, from my understanding, they were, BIA was involved, of course, because they had to certify our facility for us to open it, and it took some time to get that certificate of occupancy to move.

So once we had gotten the certificate, it was our understanding that as part of that certificate the O&M would be funded. And for some reason or another, that is not the process. Because we didn't have O&M funding on our facilities prior, so we were just caught up in that part.

Ms. MCCOLLUM. So when you were building the facility, because you did not use any of their funding, you paid for it yourself?

Mr. MIGUEL. Yes.

Ms. MCCOLLUM. You didn't let them know you had built a new facility until after it was built and you asked for the occupancy? Or were you having dialogues with them before with an expectation that once there was a new facility and it was up to code that they would fund the operation?

Mr. MIGUEL. Exactly, because they were—we had—because the codes that were involved, it had to be up to BIA standards. So they were involved in the sense to where we had to go by their guidelines and rules and regulations and what needed to be and how exactly it needed to be. So we were under the impression that that was part of the process, by being a part of that process, that we were going to be able to get O&M funding. But, again, they reverted back to because we didn't have O&M funding prior to our other facility, that that wasn't going to be the case.

Ms. MCCOLLUM. Thank you, Mr. Chair. I think we need to figure out how the guidance on that works.

There are lots of different ways chemical dependency treatment is funded, some through SAMHSA, some through Medicare, Medicaid. There are programs.

What I found interesting in your testimony is you said, "We believe that this effort is consistent,"—when you were talking about receiving funding—"with the 'Federal alternatives to detention' policy." But you want to deliver the services while they are being detained. I want to understand your reasoning here so I can be supportive. How do you see that as, quote, "consistent with the 'Federal alternatives to detention'"? That is saying they are not in detention, but yet you want funds for detention.

Mr. SECAKUKU. Right. What that is, when we are looking at treatment, the use of other Federal fundings does not allow for treatment while being incarcerated. And we want to be able to provide those services, but due to regulation and policy, that we are not able to use those other fundings to do so. And I am not sure I am answering your question, but the way I understand it is, if you are incarcerated you are not eligible to utilize Medicare or Medicaid and those other fundings for treatment while you are being detained. And that is what I know about it. At least that is what I have been told about it. I am sorry.

Ms. MCCOLLUM. Well, Mr. Chair, the reason why I ask the question is it says, "We believe that this effort is consistent with the 'Federal alternatives to detention.'" So do you have other alternatives besides detention that you offer so that you are able to draw down the funds? Or are you not able to use the funds—if you have someone that the judge recommends for alternative treatment, like we have veterans courts and we have some other things like that and you have your tribal court. Sometimes do you have someone who is having drug and alcohol issues that you use an alternative besides detention and then are you able to draw the funds? Or are you never able to draw the funds?

Mr. SECAKUKU. No, we do have a treatment center they are at home. And when a client is court ordered to go and seek those treatments, we are allowed to utilize those funds, what they get from a 638 grant, with the professional staff that treat those individuals.

Now, what we are looking at is while they are being incarcerated and detained in that facility itself, there are policies which prevent utilizing those funds while they are incarcerated. Now, that is our understanding.

Ms. MCCOLLUM. Okay. All right. I think if somebody is ill, you should try to treat them. We will learn more about that too. Thank you.

Mr. SECAKUKU. Thank you.

Mr. COLE. Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman. You asked the question I was going to ask.

Thank you all for being here.

Mr. COLE. We appreciate your testimony very much. And your written testimony will all be entered into the record. So thank you, gentleman. Thank you for traveling such a long way.

Mr. MANUEL. I just want to thank you, Mr. Cole, for your support on the radio showcasing tribal sovereignty.

Mr. COLE. You are very kind.

Mr. MANUEL. Thank you.

Mr. COLE. Thank you very much.

Okay. If we could have the next panel.

Well, gentleman, if you are ready, we will go ahead and get started.

And if we can begin, Chairman Armijo, with your testimony.

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FRIDAY, MARCH 18, 2016.

## SANTA ANA PUEBLO

### WITNESS

#### MYRON ARMIJO, GOVERNOR, SANTA ANA PUEBLO

Mr. ARMIJO. Mr. Chairman, Madam Ranking Member, and members of the committee, Kowatzee Uho paa, greetings to all and everyone here. It is my honor to appear before the Subcommittee on Interior and IHS Appropriations.

I am Myron Armijo, Governor of the Pueblo Santa Ana. I have been appointed by our spiritual leader, the Cacique of the pueblo,

to uphold the responsibility of taking care of our people and the lands of Tamaya. I am a lifelong member and resident of the community. The pueblo is located in the State of New Mexico, specifically Sandoval County, approximately 21 miles north of Albuquerque, approximately 40 miles south of Santa Fe.

The Pueblo of Santa Ana enrollment as of December 31, 2015, is 873 tribal members. I am here to testify on behalf of my pueblo regarding their healthcare needs. The Federal Government has entrusted the Indian Healthcare Service with the responsibility of providing the highest possible health care for our tribal people. Despite that responsibility, my people continue to suffer at high rates from a variety of diseases such as diabetes, cancer, heart disease, stroke, chronic liver disease, cirrhosis, unintentional injuries, influenza, pneumonia, suicide, respiratory diseases, depression, and post-traumatic stress disorder.

I am going to go to seniors and adult daycare. Our seniors are living a lot longer life, requiring more health care and services. Due to age, medical, and safety issues, seniors are requiring more hospitalization, rehabilitation, home care services, and adult daycare services. For example, it is quite common that the family of a senior member must work as they are income providers to the home. To address this need, we need an adult daycare facility during the workday, and we would urge this committee to look at funding for the development and staffing of such facilities.

Next, we have the disabled people of our community. Regrettably, the number of medically disabled children in the pueblo has grown and so has grown the requirement for various healthcare services to address their needs. Some children suffer from seizures, experience delays in walking and talking, as well as other developmental difficulties, and we are seeing more heart problems and too many premature births.

Moving on to behavioral health and mental health. The need for services with regard to behavioral health and mental health is paramount. Tribal members suffer from alcoholism and substance abuse, leading to other problems such as unemployment, poverty, mental illness, liver disease, unintentional injuries, suicide, and family neglect.

Mental health issues within the community include unhealthy family situations, neglected children, adolescent depression, suicide, bullying, peer pressure among adolescents and seniors, cyberbullying, and other mental illnesses.

Santa Ana urges this subcommittee to support increased funding for inpatient treatment, outpatient services, counseling, therapy, support groups, and prevention, as well as for more staff and staff training.

Let's move on to the Indian Health Service. Once again, we call for more dollars to provide the best health care for the Native American people. Because of the lack of funding, the people suffer, and there have been instances within our pueblo where patients with orthopedic problems have had to wait for up to 1 to 2 years for referrals to see specialty care physicians for examination, MRIs, and surgeries. In the meantime, the patient has to suffer with the pain, which may include taking pain medication on top of their reg-

ular medication regimen. Many other tribal members have complained of the long wait for referrals.

Let's move on to the IHS Albuquerque Service Unit. Funding continues to be an issue for this office. Increased funding would facilitate the improvement of access to quality health care. The facility in Albuquerque, the Albuquerque Indian Health Center, constructed in 1934, remains the seat of health care for tribes within this service unit, the pueblos of Zia, Santa Ana, Sandia, Isleta, and the community of Alamo. Although renovated throughout the years, the building is now obsolete. Rather than piecemeal renovations, the patients would be best served by a new facility, to include attendant infrastructure.

Let's go on to recruitment and compensation. It is the pueblo's opinion that the current advertised wages for the Albuquerque Indian Health Center's vacancies is a detriment to recruiting and hiring well-qualified providers. Although Albuquerque is New Mexico's largest city with plenty to offer its residents, providers do not remain with Albuquerque Indian Health Center very long due to below-competitive-market compensation. Vacancies that have not been filled are director of nursing, physician assistants, billing and patient referred care technicians, RNs, registered nurses, and pharmacists.

Moving on to field clinics overloaded. Due to the ever-increasing amount of urban Indians utilizing the Albuquerque Indian Health Center, the field clinics of Santa Ana and Zia are now receiving overflow patients, thus, making it more difficult for the tribal members to be seen at their own clinic. Further, if the providers need to refer the patients to non-IHS facilities, there is a real risk that the costs will unexpectedly be borne by the tribal members.

Another cause for limited funding for PRC funds, which should be dedicated to tribal members of the service unit, is the utilization by the urban Indian population. Please note that the funding does not follow the patient.

Although third-party revenue is offsetting costs, it is still not enough to facilitate the improvement of access to and the quality of care for tribal members within the Albuquerque Service Unit.

Moving on to purchase/referred care—

Mr. COLE. If you can, don't stop, but try to wrap it up.

Mr. ARMJO. Okay. Yes, sir.

The 72-hour requirement to contact PRC for emergency hospitalization or emergency services is not working. When a call is made, PRC does not answer the call. Patients who call PRC request a follow-up call to verify the message has been received so as not to be billed. PRC does not return any calls, nor is there any follow-up. The only time PRC communicates is when a bill for services has been forwarded to collections. Many complaints are a lack of PRC communication, bills not being paid, and unpaid bills going to collection agencies.

One last item. There is a need for increased clinic days to service Santa Ana Pueblo community members. Currently, the IHS at Santa Ana is only open 2.5 days per week. To schedule an appointment, the wait time can be several weeks until you see a provider. Most tribal members end up just doing a walk-in visit, which often does not adequately address their medical needs.

Lastly, for the sake of my community, Mr. Chairman, members of the committee, for the sake of my community and our native generations to come, we must work together to find serious, comprehensive solutions to these problems so we may all live healthier, harmonious, and productive lives. I thank you, Mr. Chairman, for allowing me to present before this subcommittee, to share the needs of my people, the Tamayame of the Pueblo of Santa Ana. Thank you.

[The statement of Mr. Armijo follows:]

**Written Testimony of  
Myron Armijo  
Governor, Santa Ana Pueblo  
Before the  
House Interior Appropriations Subcommittee  
Friday, March 18, 2016**

***Kowatzina, Kowatzee Uho paa — Good greetings to all and everyone here.*** It is my honor to appear before this Subcommittee on Interior and IHS appropriations. I am Myron Armijo, Governor of the Pueblo of Santa Ana. I have been appointed by the *Cacique* of our Pueblo to hold the responsibility of taking care of our people and of the lands of Tamaya, the Pueblo of Santa Ana. I am a lifelong resident and member of the Pueblo. The Pueblo of Santa Ana is located in the state of New Mexico, Sandoval County, approximately 21 miles north of Albuquerque, approximately 40 miles south of Santa Fe. The Pueblo of Santa Ana enrollment total as of December 31, 2015 is 873 tribal members.

**Health Care Needs.** I am here to testify on behalf of my pueblo regarding the health needs of my people. The federal government has entrusted the Indian Health Service with the responsibility of providing the highest possible healthcare for our tribal people. Despite that responsibility, my people continue to suffer at high rates from a variety of diseases; diabetes, cancer, heart disease, stroke, chronic liver disease and cirrhosis, unintentional injuries, influenza and pneumonia, septicemia, suicide, respiratory diseases, depression and post-traumatic stress disorder.

**Seniors and Adult Day Care.** Our seniors are living a longer life, requiring more health care and services. Due to age and medical and safety issues, seniors are requiring more hospitalization, rehabilitation, home care services, home healthcare services and adult daycare services. For example, it is quite common that the family of a senior must work, as they are income providers in the home. To address this we need an adult day care facility during the work day. We would urge this committee to look at funding for the development and staffing of such facilities.

**Disabled.** Regrettably, the number of medically disabled children in the Pueblo has grown and so also has grown the requirement for various health care services to address their needs. Some children suffer from seizures, experience delays in walking and talking, as well as other development difficulties. We have seen heart problems and too many premature births.

**Behavioral and Mental Health.** The need for services with regard to behavioral and mental health is paramount. Tribal members suffer from alcoholism and substance use leading to other problems such as unemployment, poverty, mental illness, liver disease, unintentional injuries, suicide and family neglect. Mental health issues within the community include: unhealthy family situations, neglected children, adolescent depression, suicide, bullying, peer pressure among adolescents and seniors, cyber bullying and other mental illnesses. Santa Ana urges this Subcommittee to support increased funding for inpatient treatment, outpatient services, counseling therapy, support groups and prevention, as well as for more staff and staff training.

**Indian Health Service.** Once again, we call for more dollars to provide the best healthcare for the Native American people. Because of the lack of funding, the people suffer and will continue to suffer. There have been instances within our Pueblo, where patients with orthopedic problems have had to wait for up to one to two years for referrals to see specialty care physicians for examination, MRI's and surgeries. In the meantime, the patient has to suffer with the pain, take more pain pills on top of their regular medication regiment. Many others tribal members have complained of the long wait for referrals.

**IHS – Albuquerque Service Unit:** Funding continues to be an issue for the ASU. Increase funding would facilitate the improvement of access to and the quality of care.

**Facility** – the Albuquerque Indian Health Center (AIHC) constructed in 1934 remains the seat of health care for the tribes within the service unit: Zia, Santa Ana, Sandia, Isleta and Alamo. Although renovated throughout the years, the building is now obsolete. Rather than piecemeal renovations, the patients (and providers) would be best served by a new facility, to include the attendant infrastructure.

**Recruitment and Compensation** – It is the Pueblo's opinion that the current advertised wages for the AIHC's vacancies is a detriment to recruiting and hiring well-qualified providers. Although Albuquerque is New Mexico's largest city, with plenty to offer its residents, Providers do not remain with AIHC very long due to below competitive market compensation. Vacancies that have not been filled are: Director of Nursing, Physician Assistants (to assist MD and DO), Billing and Patient Referred Care Technicians, RN's (currently utilizing contract employees) and Pharmacists.

**Field Clinics Overloaded.** Due to the ever increasing amount of Urban Indians utilizing the AIHC, the Field Clinics of Santa Ana and Zia are now receiving overflow patients; thus making it more difficult for the tribal members to be seen at their own clinics. Further, if the Providers need to refer the patients (belonging to the service unit) to non-IHS Facilities, there is a real risk that the costs will unexpectedly be born by the tribal members due to lack of funding by Purchased/Referred Care (PRC). Another cause for limited funding of PRC funds, which should be dedicated to tribal members of the service unit, is the utilization by the Urban Indians. Please note that funding does not follow the patient.

Although Third Party Revenue is offsetting costs, it still is not enough to facilitate the improvement of access to and the quality of care for the tribal members within the Albuquerque Service Unit.

**Purchase/Referred Care.** The 72-hour requirement to contact PRC for any emergency hospitalization or emergency services is not working. When a call is made, PRC does not answer the phone call. Patients who call PRC request a follow up call to verify the message has been received, so as not to be billed. PRC does not return any calls or communication. The only time PRC communicates is when a bill for services has been forwarded to collections. Many complaints are lack of PRC communication, bills not being paid, and unpaid bills going to collection agencies.

**Need for Increased Clinic Days.** There needs to be an increase in clinic days to service Santa Ana pueblo community members. Currently, the IHS clinic — Santa

Ana is only open 2.5 days per week. To schedule an appointment, the wait time is weeks until you see a provider; most tribal members end up just doing a walk-in visit, which often does not adequately address their medical need.

**IHS Mental Health Services.** The wait time for mental health services is extremely long just to obtain an initial appointment. Due to this reason, community members have to seek other providers or go without being serviced. If they have to wait, the crisis which prompts the call usually ends up increasing or patient goes without attention. The need for a full-time psychiatrist, therapist and psychiatric nurse practitioner at the tribal IHS clinic is high. In order to provide suitable services to address a clients need, an evaluation is warranted, but without access to such staff on a timely basis, service plans are not adequately made.

**Conclusion.** For the sake of our native generations to come, we must work collaboratively to find serious, comprehensive solutions to these problems so we may all live healthier, harmonious productive lives. I thank you for allowing me to go before this Subcommittee to share the needs of my Tamayame people of the Pueblo of Santa Ana, New Mexico.

Mr. COLE. Thank you very much.  
Chairman Manning, if we can move to you next please.

FRIDAY, MARCH 18, 2016.

## **SHOSHONE PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION**

### **WITNESS**

**LINDSEY MANNING, CHAIRMAN, SHOSHONE PAIUTE TRIBES OF THE  
DUCK VALLEY RESERVATION**

Mr. MANNING. Thank you [Speaking native language]. Good afternoon, Congressman Cole, Ranking Member McCollum, Congressman Kilmer, and members of the subcommittee. My name is Lindsey Manning. I am chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, Idaho and Nevada. I am pleased to submit testimony concerning the 2017 budget for the BIA, BLM, and IHS.

The Shoshone-Paiute Tribes are grateful for the subcommittee's longstanding support of Indian Tribes and for sharing its interest to the tribes' self-determination. We also want to acknowledge Idaho Congressman Simpson for his work on behalf of our tribes and many other tribes across the country.

The Duck Valley Indian Reservation is a large rural reservation that straddles the Idaho-Nevada border and encompasses 250 square miles of trust land. We are a remote reservation and assume most of the BIA and IHS services and programs under a self-governance compact. The BIA, however, continues to provide law enforcement, detention, and road maintenance services on our reservation. I will elaborate on four of our 2017 appropriation priorities.

First, within any planned increases for the Indian Affairs budget, we seek at least a \$9 million increase in the BIA Road Maintenance Program budget of only \$27 million nationwide. We are tired of using our tribal transportation program tribal shares for road maintenance. We need our tribal share money for design and construction of new roads and reconstruction of existing roads. If the administration and Congress do not choose to appropriate sufficient funds for construction, then Indian tribes and BIA must have adequate funds to maintain our existing BIA and tribally owned private roads.

It is shameful that the administration's goal of fiscal year 2017 is to maintain only 16 percent of BIA-owned roads in acceptable condition, meaning that service condition of the road is fair or better. This leaves the vast majority of BIA-owned public roads in poor and failing condition. The majority of BIA-owned roads are gravel and dirt, and BIA police and our children must travel on these poorly maintained roads every day.

The region's share of the \$9 million increase will allow the BIA Eastern Nevada Agency Roads Department to purchase a road grader, backhoe, and 10-wheel dump truck to replace the 1980s road equipment.

I want to add here that these guys, these boys that maintain our roads, they have an old backhoe that breaks down constantly from

the 1980s. They are embarrassed to take it to the shop. They said they are embarrassed to keep it going. And sometimes when they have to go procure parts, rather than go through the processes of procurement with the Bureau, they go in and buy it, they write a check out of their own pocket and go in and buy a pressure hose, a high pressure hose and put it on, or whatever is needed to keep that backhoe running.

This last winter, the blade broke down. And the tribe has a blade and they wanted to use our blade and we said fine. But the Bureau agency superintendent said no, fix ours. So their blade sat there for a long time when it should have been used in the snow removal. And they don't even have a dump truck. They need a 10-wheel dump truck, a new one. They don't have any. Because, I have got to say, because of compacting and contracting under 638, a lot of these agency budgets are gutted. The money is taken out of it and it slowly disappears from there.

So I really feel that there needs to be an investment put back into the roads program for these guys to have equipment that is smart, that they could use.

Moving on quickly a second, our tribe, like so many tribes, have prioritized public safety needs for the fiscal year budget. Yet, the administration has cut the BIA public safety and justice funding level by \$4 million. We need more BIA police and BIA corrections officers.

We renovated a detention facility that needs BIA police and correction officers to staff because at Duck Valley we house all the BIA prisoners in Nevada. They come to our reservation and sit long term in our correction detention facility.

Third, we support the administration's 2017 budget increase of \$377 million for Indian Health Service, especially for clinical services, purchase/referred care, contract support costs, and facilities construction. We further support the request by the administration to make contract support costs mandatory. This has been a sore point for decades.

Finally, we ask you to support the administration's modest \$1 million increase in BLM's Cultural Resources Management Program. Despite repeated requests for recurrent funding in the BLM's annual budget, we have not received funding to maintain our cultural and natural resources programs on the Duck Valley Reservation as part of the Owyhee Initiative of the Omnibus Public Land Bill 111. So we need that.

These programs put members to work and help us pass on our cultural history and values to our youth and the general public. We protect cultural resources that are lasting in the West. Duck Valley Reservation sits right between the heart of the majority of BLM land to the west and also a part of the largest national forest south of Alaska, which is the Humboldt-Toiyabe National Forest. So we use our cultural resources program to go and help protect cultural resources there.

And thank you for affording me the opportunity to present testimony today.

[The statement of Mr. Manning follows:]

**Testimony Before the House Appropriations Subcommittee on Interior,  
Environment and Related Agencies  
Fiscal Year 2017 BIA, BLM and IHS Budgets  
Presented by Lindsey Manning, Chairman  
Shoshone-Paiute Tribes of the Duck Valley Reservation  
March 18, 2016**

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, my name is Lindsey Manning. I am Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. Thank you for inviting me to testify today concerning the FY 2017 Budget for the BIA, BLM and IHS. The Shoshone-Paiute Tribes are grateful for this Subcommittee's long standing support of Indian tribes and for sharing its understanding of Indian country with your House colleagues.

The Duck Valley Reservation is a large, rural and very remote reservation that straddles the Idaho-Nevada border. It encompasses 450 square miles in Elko County, Nevada and Owyhee County, Idaho. The Reservation is 140 miles from Boise, Idaho, and 100 miles from Elko, Nevada. Many of our 2,000 Tribal members make their living as farmers and ranchers, though a number of them are employed by the Tribes. We assume most duties of the BIA and IHS under self-governance compacts, although the BIA continues to provide law enforcement and detention services on our Reservation.

In too many instances, however, our success in these areas is largely dependent on Federal appropriations which, in turn, determine whether economic and social conditions on the Duck Valley Indian Reservation improve or worsen. While we contribute tribal resources to these endeavors as best we can, we look to our federal partner for support. If we fall short in available funding, our members suffer. For this reason, we support the President's FY 2017 budget request for the Bureau of Indian Affairs, Bureau of Land Management and Indian Health Service. Without sustained growth in these federal programs, we cannot meet the needs of our Reservation. We encourage this Subcommittee to build on the proposed increases in the President's budget for these essential Tribal programs.

Our priorities for FY 2017 include:

1. Increase BIA Road Maintenance Program funds (Eastern Nevada BIA Roads Program of the Western Regional Office). We respectfully ask for at least a \$9 million increase in the BIA Road Maintenance Program from within planned increases to the Indian Affairs budget so that the BIA Eastern Nevada Agency Roads Department can purchase a road grader, backhoe and ten-wheel dump truck. The 1980's blade road grader has broken down again and needs replacing. Likewise, the 1980's backhoe is also outdated and parts are a challenge to find. The employees are embarrassed to haul the backhoe in for repairs when needed because it is so old and worn (40 years old – like the grader). They need a dump truck because they do not have one. A modern ten-wheel dump truck is needed. Our Region has the largest percentage of BIA-owned roads at 21%. The Program increase we request will help our Region tremendously.

Even the Administration acknowledges in its FY 2017 Budget Justification that current Road Maintenance Program appropriations allow the BIA and tribes to maintain only 16% of BIA-owned roads in “acceptable” (fair or better) condition. That leaves no money to purchase equipment or improve the road condition of poor and failing public BIA-owned roads.

The BIA Eastern Nevada Agency covers the roads maintenance need for the 600 miles of public roads on the Duck Valley Reservation and the road maintenance needs on the Goshute Indian Reservation, the South Fork Reservation, Wells Colony, Battle Mountain Colony and the Elko Colony. All these Indian lands and public roads are hundreds of mile apart and cover all the area of north eastern Nevada. Increased Road Maintenance funding will improve road safety.

The BIA Eastern Nevada Agency is responsible for the roads of the colonies and reservations. The Colonies and South Fork Reservation receive funds from the Agency for tending to maintenance needs as best as possible (only approx. \$70,000 total for all annually), which is woefully inadequate. The BIA Roads crew is called upon to maintain the roads through asphalt and gravel patch work in the summer and snow removal in the winter months. This year the blade broke down and is still in need of repairs – which are constant.

2. Increase funding for the BIA Public Safety and Special Initiatives Program. The BIA struggles to provide adequate law enforcement on our remote reservation. For that reason, we don’t understand the Administration’s proposal to cut Public Safety and Justice funding. We need more police and corrections officers, yet the Administration proposes only a \$9,000 increase for the Indian Police Academy budget of \$4.8 million. Nor do not understand how a cut of \$4 million to the Public Safety and Justice Programs advances capacity building among tribes to improve law enforcement and tribal justice. We are one of three tribes in a pilot program funded under the BIA’s “Law Enforcement Special Initiatives” program. Under this program, we receive \$250,000 in additional recurring funding to reduce recidivism on the Duck Valley Reservation. The Special Initiatives program is essentially funded at the same level for FY 2017 as it was for FY 2016. If we are to address public safety, we need more police, tribal courts and adequately staffed and operated detention centers.

We further urge the Subcommittee to include statutory language to make clear that “Law Enforcement Special Initiatives” funds may be used for the purchase or lease of temporary trailers or modular units to house personnel associated with law enforcement, corrections, probation, tribal courts and other professionals serving Tribal offenders. For rural communities like Duck Valley, housing is often the linchpin to program success. This request will give us the flexibility we need to use Special Initiatives funding for housing law enforcement personnel.

3. Fund the Owyhee Initiative within the Bureau of Land Management (BLM). The Owyhee Initiative is a joint effort by ranchers, recreationalists, county and State officials, and the Shoshone-Paiute Tribes to protect, manage and appropriately use public lands in Owyhee County, Idaho. In 2009, Congress passed the Omnibus Public Land Management Act, Pub. L. 111-1. Since 2010, we have worked jointly with BLM to protect cultural resources and increase public understanding and appreciation of these resources. Increased recreational use and encroachment by Boise residents within the Owyhee River Wilderness Area and other federal lands, however, place these resources under stress. Let us help understaffed BLM officials.

One-time BLM funding a number of years ago allowed us to purchase two Cessna planes and ATV equipment and hire one Chief Ranger and a Cultural Resources Director to patrol public lands and report violations of cultural and religious sites to BLM officials. We work closely with BLM and Owyhee County officials to coordinate compatible recreation use within BLM lands in Owyhee County, especially within the wilderness areas where we seek to protect cultural resource sites important to our Tribes. The Ranger and Director also spot and report wildfires to BLM officials before the fires can do great damage to sensitive, remote public lands.

We seek *recurring* BLM funds to continue this important work to protect cultural sites and establish a Reserve Ranger Program to engage tribal youth in cultural and related activities during the summer. The Chief Ranger and Cultural Resources Director are near retirement and it is essential that we hire and train replacement staff, including a pilot, to continue their important work for our Tribes. We need funds to hire an Assistant Director, one adult Tribal Ranger and two part-time Youth Rangers, train a qualified applicant as an additional pilot, purchase two more ATVs and two camp trailers to permit tribal personnel to remain in the field and overhaul the two Cessna planes per FAA regulations. We are currently constructing a hanger at the Owyhee Airport to centralize our operation and increase surveillance flights over Owyhee County. We contribute nearly 50% of the required budget but cannot sustain this important program without federal support. Our plan requires \$600,000 to fully fund the above activities.

We also support the Administration's \$1.0 million increase for BLM Cultural Resources Management and other BLM accounts used to manage and protect archaeological and historic properties on public lands. BLM lands contain the remnants of campsites, villages, hunting blinds and rock inscriptions that tell the story of the Shoshone-Paiute and other tribes. After speaking with Shoshone-Bannock Tribal officials, together with northern tier Nevada tribes (including the Te-Moak, Battle Mountain, South Fork and Goshute tribes), we seek BLM funds to form a tribal work group to spread best practices for cultural resources management and protection that we have learned over the last 20 years. We would be a good candidate for a BLM grant. It would be a wise investment to fund a multi-tribal task force to propose and design strategies for on the ground protection of Native American cultural resources for the Upper Great Basin and High Plateau of the tri-state area of Nevada, Oregon and Idaho.

4. Telecommunications (fiber optics). The Tribes continue to need fiber infrastructure over five miles for connectivity among Fish, Wildlife & Parks, Tribal Headquarters, Detention Center, Fire Station and the Owyhee Community Health Facility. The health center serves as the Wide Area Network (WAN) hub for the Tribes' and health center's computer network. Connectivity among these facilities and programs would alleviate the long-term monthly recurring cost we pay to an Ethernet Circuit provider (\$96,000 annually). We require \$500,000 in federal funding to construct new fiber networks and cover construction inspection fees. We do not have BIE-funded schools on Duck Valley so our children will not benefit from the Administration's \$16.7 million increase to extend broadband to BIE schools. We urge the Subcommittee to increase appropriations within the BIA and IHS budgets so that Duck Valley can improve our telecommunications networks. Education IT is not the only program in need of an upgrade.

5. East Fork Owyhee Salmon Steelhead Recovery and Reintroduction Project. We seek to permanently return Chinook salmon and steelhead trout to Duck Valley through an innovative

“trap-and-haul” program. Dam construction along the Columbia and Snake Rivers eliminated salmon from our Reservation for 87 years. Duck Valley is unique in that it supports two major tributaries to the Snake River. In 2014, we financed a pilot study that found that habitat in the East Fork of the Owyhee River supports a summer rearing capacity of between 3,300 and 43,000 juvenile steelhead trout and from 3,600 to 41,000 Chinook salmon. This summer, we returned 200 Chinook salmon to Duck Valley and spear fished nearly all of them. It was a joyous event to have salmon return to the Reservation. With \$210,000 in funding for the next three years we can complete our habitat surveys of the East Fork Owyhee River, including obtaining data on non-summer river conditions, as well as an assessment of the Bruneau River habitat.

We propose to transport adult fish from Lower Granite Dam or Hells Canyon Dam and release the fish above China Dam into the East Fort Owyhee River to spawn. Emigrating juvenile fish would later be captured and released downstream from passage carriers on the Snake River to complete their migration to the Pacific Ocean. Adult salmon originating from the East Fork Owyhee River would later be captured in the lower Snake River and transported upstream.

We urge the Subcommittee to support the President’s \$24 million increase to the BIA’s Trust-Natural Resources Management program budget, including the Tribal Management/Development Program and Fish, Wildlife & Parks program. Tribes contract a significant part of the Natural Resources Management funds. An increase to the BIA’s budget can help us with this innovative project to return salmon and steelhead trout to the Duck Valley Reservation.

6. Native Plant Program/Greenhouse. In cooperation with BLM, the Tribes gather, propagate and make available seed and other native plant materials that are indigenous to the region. Through a series of assistance agreements with BLM, we built a greenhouse and are growing seedlings (including sagebrush and bitterbrush seedlings) for planting on adjacent public lands. This program assists BLM and other agencies in their efforts to restore lands damaged by wildfires and helps employ tribal members. For FY 2017, we seek funding to build a facility to house equipment to dry, clean and store seed and hire part-time greenhouse staff to focus on marketing and finances. We plan to have 40,000 containerized grasses and shrub seedlings available for sale, together with willow and other riparian plant cuttings and local vegetables for sale and distribution through our “Honor Our Elders” program. We seek Interior Department appropriations of \$205,000 over the next five years to expand our program and be a reliable supplier of native plants and seedlings on BLM-managed public lands.

7. IHS. We fully support the President’s FY 2017 budget increase of \$377 million to the Indian Health Service (IHS), especially in the area of clinical services, including Purchased/Referred Care, Contract Support Costs (CSC) and facilities construction. We also support the Administration’s request to shift CSCs to a “mandatory” appropriation but would want to ensure that the shift is permanent in nature.

We urge the Committee to build on the President’s FY 2017 budget request to meet tribal health and safety needs that strengthen our community. Thank you for affording me the opportunity to testify today.

Mr. COLE. Thank you very much for your testimony.  
Governor, you are recognized.

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FRIDAY, MARCH 18, 2016.

**SANTA CLARA PUEBLO**

**WITNESS**

**MICHAEL CHAVARRIA, GOVERNOR, SANTA CLARA PUEBLO**

Mr. CHAVARRIA. Thank you, Chairman, members of the subcommittee, for this opportunity to testify before you regarding the fiscal year 2017 Federal budget. My name is J. Michael Chavarria. I serve as governor for Santa Clara Pueblo.

As the subcommittee works on the fiscal year 2017 Interior appropriations budget, I would urge your continued commitment to fulfilling the Federal trust responsibility. In very important ways, this committee is empowered to do the most in that regard by providing adequate funding to meet the basic needs of Indian Country. We appreciate that the subcommittee has sought an increase in Indian funding program levels over the recent years.

In 2011, the pueblo was devastated by the Las Conchas fire. Eighty percent of our forest lands, our spiritual sanctuary, our pharmacy, our clothing store, our grocery store, and our biological classroom was impacted.

Today, in 2016, we still continue to face the imminent threat of flooding. Per the Army Corps of Engineer's technical assistance report, on any given day during the monsoon season, which is from July, August, and September, we face a 1 percent chance of a 100-year flood. Pre-fire, it was estimated at 5,600 cubic feet per second. Now that all the vegetation has burned off, the same 100-year flood, we face an estimated 21,000 cubic feet per second flood event.

On any given day, our creek is only as wide as the table and flows between 5 to 7 cubic feet per second. So a large jump from 5,600 to 21,000 would do a lot of devastating impacts to our community.

Due to the high severity of the burn, there was a dramatic reduction in the infiltration rates within the burn area. This has resulted in a four- to eightfold increase runoff in sediment and debris flow in the Santa Clara Creek, posing a severe threat to the lives and safety of the pueblo of Santa Clara and increasing the potential of widespread flooding and property damage within our community.

The channel through Santa Clara has lost its conveyance capacity necessary to safely pass large post-fire flows. Hundreds of residential areas, as well as several public structures, traditional cultural properties are at risk from the flood and debris flows. If no more action is taken, we face that threat.

A very important tool that needs adequate funding is the Tribal Forest Protection Act. This act allows the Secretaries of Interior and Agriculture to give special consideration to tribally proposed stewardship contracts on Forest Service land and BLM lands that are bordering or adjacent to Indian trust lands in order to protect

the trust resources from fire, disease, and other threats coming off those Forest Service and BLM lands.

We understand that the funding for fire-suppression activities is costly. So it is important to appropriate funding to implement on-the-ground projects, such as hazardous fuel reduction, to eliminate the threat of such catastrophic fires from occurring.

Santa Clara urges the committee to support the expansion and to fully appropriate funding for this program by both the Department of Agriculture and the Department of Interior. Santa Clara Pueblo continues to seek opportunities to construct a larger, much-needed healthcare facility. The current facility infrastructure and equipment are outdated, while at the same time we are serving over 20,000 patients in its undersized facility.

As Governor, I have lobbied the State of New Mexico for funding and have received \$75,000 for creating a utility master plan and received \$125,000 for planning and design of a new healthcare facility. We have engaged the philanthropic community to leverage funding and continue to seek Federal, State, and nongovernmental organization funding of construction activities.

Section 305 of the Indian Health Care Improvement Act, 25 USC 1624, authorizes the Indian Health Service to accept major renovations and modernization of Indian health facilities or other healthcare facilities operated by a tribe and requires the IHS to place that facility on a separate priority list to address the needs of a new facility for personnel and equipment. Again, this comes down to fully appropriating such an authority to meet the needs of our communities.

Santa Clara was recently approved as a THPO, a Tribal Historic Preservation Office. However, additional funds as we assume those responsibilities need to be allocated. The Federal funds have remained stagnant. I encourage this committee to fully support the historic preservation funds to support those tribes that have assumed these opportunities on behalf of the traditional cultural properties that we are entrusted to protect on and off reservation lands.

Santa Clara is a self-governance tribe. We urge this committee to continue fully supporting funding for contracting and compacting opportunities. Self-governance allows the pueblo to redesign those program services, functions, and activities to better fit the needs of our people, our lands, and our resources. It is another opportunity for management and to control our destiny. However, full funding levels are important to continue implementation.

The EPA Indian General Assistance Program budget fund needs to be maintained. It addresses underground storage tanks, illegal dumping, recycling, and other issues. And so we rely on these fundings for our core programs, and we strongly urge you to protect GAP from any cuts and, indeed, to increase funding into the future.

As the events in Flint, Michigan, demonstrate local water systems need technical support to protect the health of its community users, EPA drinking water technical assistance programs are an effective tool to help local tribal systems operate safely, develop plans, and train personnel so that these worst-case scenarios can be avoided.

Again, in conclusion, in our lifetime, we will never see our traditional, our spiritual sanctuary, our canyon as we have known it to be, it will take generations for our community and our lands to recover from the devastation of these fires. But this is our only homeland. It is the place we have been entrusted since time immemorial.

While we intend to devote the resources we can to the healing of our land and the protection of our community, we do not have enough resources. I still haven't found the goose that lays the golden egg or the tree that grows money. And so we have to work together in partnership and collaboration. And we, in this hour, turn to the need of the Federal trustee and ask for your sustained assistance in addressing the many issues and the remediation and mitigation of our sacred homeland.

At the same time, we ask Congress not to reduce funding for critical EPA programs, like the GAP fund, as these programs make a significant impact at the local level. And we ask for your support as we seek to invest in our healthcare system in partnership with the Indian Health Service.

So thank you for the time and opportunity.

[The statement of Mr. Chavarria follows:]

**Testimony of**  
**J. Michael Chavarria, Governor**  
**Santa Clara Pueblo**  
**Before the**  
**House Interior Appropriations Subcommittee**  
**Friday, March 18, 2016**

**Introduction.** Thank you, Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, for this opportunity to testify on the FY 2017 Federal budget. My name is J. Michael Chavarria. I am the Governor of the Santa Clara Pueblo. My testimony will focus on:

- **Emergency Disaster Funding;**
- **Fighting Wildfires: Tribal Forest Protection Act;**
- **IHS Joint Venture Program Funding;**
- **Funding Self-Governance Contracting of National Park Service Functions;**
- **Funding Tribal Historic Preservation Officers; and**
- **EPA: Indian General Assistance Program.**

As the Subcommittee works on the FY 2017 Interior appropriations budget, I would urge your continued commitment to fulfilling the Federal trust responsibility. In very important ways, this Subcommittee is empowered to do the most in that regard by providing adequate funding to meet the basic needs of Indian country. We appreciate that the Subcommittee has sought to increase Indian program funding levels in recent years.

**Las Conchas Wildfire.** In the summer of 2011, the Santa Clara Pueblo was devastated by the Las Conchas Fire, at that time the largest wildfire in New Mexico history. Although mercifully no lives were lost and no homes were burned, we saw our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, practically destroyed. We estimate that more than 16,000 acres of our forest lands burned in this fire and, together with the lands that we lost in the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, 80% of our forests and a huge part of our heritage has been destroyed. The fire burned thousands of acres of our traditional lands that are outside our current reservation and that continue to hold cultural sites and resources of great importance to us. This area encompasses our lands of origin, the P'opii Khanu - the headwaters of our Santa Clara Creek, and numerous cultural and traditional sites.

The loss of the forest is devastating to wildlife and wildlife habitat, recreational resources, and to the purity of our water - which we use for irrigation and many traditional purposes. In the last decade we have faced four forest fires - the Oso, Cerro Grande, South Fork and Las Conchas fires - and none of them originated on our lands. Although fate plays its part, we have suffered horrible consequences largely due to the failure of others to properly guard in some fashion against causing a fire. Throughout this tragedy, the Santa Clara people have shown extraordinary courage and determination to persevere and to begin the long road to recovery so that, while my generation may never see the canyon in its glory again, that will not be said of the next generation.

**Preventing the Next Disaster – Post-Fire Flooding.** Because the Santa Clara Canyon has been stripped of its vegetation, the Pueblo is at tremendous risk of flooding. Over 50% of the Santa Clara Pueblo watershed burned during the Las Conchas fire. Due to the high severity of the burn, there has been a dramatic reduction in the infiltration rates in the burned area – the soil is now what is termed by soil scientists as “hydrophobic.” This has resulted in a four-to eight-fold increased runoff and sediment/debris flow into the Santa Clara Creek, posing a severe threat to the lives and safety of the people of Santa Clara Pueblo and increasing the potential for widespread property damage. The channel through Santa Clara Pueblo has lost the conveyance capacity necessary to safely pass large post-fire flows. Hundreds of residential structures, as well as several public structures are at risk from flood and debris flows if more action is not taken.

Indeed, since that fire, the Pueblo has been the subject of five Presidential Disaster Declarations, principally involving catastrophic flooding. This flooding has wiped out the existing water control structures within the canyon. As a result, the Pueblo is in greater danger today of a catastrophic flood that could result in a major loss of life and property than it was in the immediate aftermath of the fire. This danger, which as a statistical certainty will occur, hangs over the head of the Pueblo every moment of the day during the monsoonal season.

The Army Corps has partnered with Santa Clara to undertake a number of projects to address the fallout from these natural disasters, and has put in place some important safeguards. However, these safeguards are temporary and although they have widened our margin of safety, they do not guarantee it in certain scenarios. We still need a permanent solution. We are still at the beginning of the flood mitigation and forest recovery effort. The fire raised numerous, interrelated, short and long-term concerns for Santa Clara and other surrounding communities, almost all of which intersect with Federal laws and regulations.

We must address the environmental impacts of this fire. This includes the physical health impacts from the huge quantities of smoke, as well as the devastating emotional impact to our community of such a great loss. It also includes water quality impacts as tons of ash, debris and other materials flow into the Santa Clara Creek affecting fisheries, wildlife consumption, agriculture and cultural uses, and safety issues within our Santa Clara Canyon due to the destabilized landscape resulting in falling boulders and dead and down trees. This runoff flows into the Rio Grande, affecting water quality for communities like Santa Fe that are downstream or that use the Rio Grande. We are still assessing how to recover from the loss of an unprecedented amount of cultural resources and sites, from damage to sacred places, to the loss of animal and plant species that have been integral to Santa Clara cultural and spiritual practices for generations. Santa Clara has suffered extended financial impacts from the direct efforts to address the fire, as well as the closure of Puye Cliff Dwellings, and subsequent reduction in arts and crafts sales due to the decline in tourists and visitors to our hotel. To protect the remaining 20% of our forests, we need fire suppression resources. Finally, we must address the long term restoration of the forests. This is a project that we anticipate will take several decades but one to which we have already set our minds.

**Fighting Wildfires: Further Implementation of the Tribal Forest Protection Act.** The Tribal Forest Protection Act (Public Law 108-278) authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed stewardship contracting or other projects on Forest Service or BLM land bordering or adjacent to Indian trust land in order to protect the

Indian trust resources from fire, disease, or other threat coming off of that Forest Service or BLM land. These stewardship agreements are an important tool for fighting the ever-growing threat of wildfires in the West. In New Mexico, where the Santa Clara Pueblo has experienced devastating consequences from four wildfires over the last 20 years, all of which originated off of tribal lands, the wider use of such agreements could have greatly mitigated the impact of these fires. Empowering tribal governments as caretakers to protect tribal lands by managing adjacent federal lands is a smart policy. **Santa Clara urges the Committee to support the expansion of this program by both the Department of Agriculture and by the Department of the Interior.**

**Developing a New Health Facility – Funding the Joint Venture Construction Program at the Indian Health Service.** Santa Clara applied last year to participate in the IHS Joint Venture Construction Program under which the Pueblo would build and equip a new \$45 million hospital clinic if IHS promised to staff it for 20 years. Our application was not successful, although we were placed on a waiting list if any of the successful candidates drop out. The Joint Venture program is a powerful tool to get new facilities in place through a Tribal-IHS partnership. Santa Clara's health center was built in 1981 and was not designed for the number of patients presently seen there. From FY 2007 to FY 2009, annual patient visits to the Health Center surged from 14,878 to 27,884, or 87%. Such a dramatic increase in patient visits has pushed the Health Center well beyond its capacity to effectively serve its clients. **We remain committed to fund and ultimately construct a health facility to provide adequate healthcare to our people, but for this to work Congress must fund and, indeed, expand the Joint Venture program.**

**Funding Tribal Historic Preservation Officers.** The preservation of tribal sacred sites is of the highest priority for tribes and is also of national importance. In recent years, as more tribes have created the position of tribal historic preservation officers (THPO) pursuant to the National Historic Preservation Act, the federal funding for those THPOs has stayed flat, meaning that the same funds are distributed among far more recipients. This funding is not sufficient to support a THPO (much less a staff to implement the specific duties a THPO is responsible to do). Also, funding has been tied to reservation acreage, but many sites are off-reservation and that is not a good metric. As a result, it is difficult for THPOs to assist federal agencies with their preservation compliance responsibilities, and perform other important tribal duties and functions. **We urge this Subcommittee to increase funding for historic preservation in the Interior budget.**

**Self-Governance Contracting of National Park Service Functions.** Santa Clara is a self-governance tribe, meaning that we have assumed control of federal programs and funds for many functions at our reservation. As a self-governance tribe, we can similarly assume functions at National Park Service units. With the transfer of the Valles Caldera, which is adjacent to our reservation and holds many sites sacred to us, to the National Park Service we are interested in assuming certain National Park Service functions. **Santa Clara urges the Committee to continue funding for contracting tribal self-governance programs.**

**EPA: Indian General Assistance Program (GAP).** The Indian General Assistance Program (GAP) within the EPA budget provides funding for tribes to maintain environmental programs addressing underground storage tanks, illegal dumping, recycling and other issues. The Santa Clara Pueblo relies on GAP funding for its core program to address environmental issues that are

important to our community members. **We strongly urge you to protect GAP from any cuts and indeed to increase funding.**

**EPA Drinking Water Program Funding – The Pueblo encourages continued funding of EPA Tribal Drinking Water technical assistance programs.** These programs are assisting tribes in attaining compliance with local drinking water systems and providing resources to get operators certified in managing a system in a responsible manner. Training on regulations such as the new Revised Total Coli-form Rule provide important information on the sampling plans needed for systems to protect water customers and meet operating standards. As the events in Flint, Michigan demonstrate local water systems need technical support to protect the health of its community users. EPA Tribal Drinking Water technical assistance programs are an effective tool to help local tribal systems operate safely and develop plans and train personnel so these worst case scenarios can be avoided.

**Conclusion.** Never again in our lifetime will we see our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, as we have known it. It will take generations for our community and lands to recover from the devastation of these fires. But this is our only homeland; it is the place we have been entrusted with since time immemorial. While we intend to devote the resources we can to the healing of our land and the protection of our community we do not have the resources to do it alone. We turn in this hour of need to our Federal trustee and ask for your sustained assistance in addressing this calamity and assuring the remediation of our sacred homeland. At the same time, we ask Congress not reduce funding in critical EPA programs like the GAP fund, as these programs make a significant impact at a local level and we ask for your support as we seek to invest in our health care systems in partnership with the Indian Health Service.

Mr. COLE. Thank you very much. And I am sure my colleagues would agree, we had testimony yesterday, we had testimony all day today, and it is helpful. But it is amazing how often we hear the same concerns. By the way, if you find that goose or that tree, let us know.

Mr. CHAVARRIA. I will pass it on.

Mr. COLE. We will go look for it with you.

These are pressing and real problems and these are all legitimate concerns. The only thing I can tell you is this committee has worked really hard in a bipartisan sense over the last several years to try and push funding levels up. And, sadly, you can't make up in a few years for what is really many decades of neglect, lack of infrastructure, lack of investment, no question about that.

But I think every year for the last 5 or 6 years both the BIA and Indian Health and overall what I would call Native American, Alaska Native funding has been the biggest area of increase, even when the budget overall was flat, which means we were sort of taking money from other places, because we think this is the most important area of our responsibility and jurisdiction.

We are probably going to have a flat topline again, would be my guess. We don't have our allocations yet, so we don't know how much money we are going to be in charge of spending. It will probably be another month before we know that, I would think, maybe less.

Ms. MCCOLLUM. You would know better than I would, sir.

Mr. COLE. Well, I am telling you I don't know and I have got a committee that I am in charge of and I haven't been given a number yet. So I am sure my friend, Mr. Calvert, who chairs this committee hasn't either.

But what I will tell you is, again, these things are priorities to us. So we will be trying to figure out ways that we can keep building on the progress of recent years, recognizing that it is not where it needs to be. We agree.

The gentlelady from Minnesota.

Ms. MCCOLLUM. Thank you. I was at the Albuquerque hospital a while ago, and they weren't doing births there. They had been losing mothers and children, and so that was all scheduled cesareans. That is kind of good news, because more babies are being born healthy and safer deliveries. At the same time, cesareans aren't necessarily something that the medical association recommends. So it is kind of a double-edge sword. With how far people have to drive, you can understand why it is scheduled.

I was a little alarmed to see in some of the testimony, once again, the reference to low-birth-weight babies and children with disabilities.

I am going to look into that a little more later if we don't have time to do this here now.

So thank you for bringing that forward.

Mr. ARMIJO. Thank you, Madam Ranking Member.

Ms. MCCOLLUM. It is a beautiful old building that is painted great and looks great, but it is nothing anybody would build on. It almost belongs on the historical rolls from Department of Interior, not as a Department of Interior hospital. But I did want to ask about—from your two testimonies, kind of bringing these things to-

gether—you are seeking Interior Department appropriations for \$205,000 over the next 5 years to expand a program to be a reliable supplier of native plants and seedlings for BLM-managed lands. You are talking about getting more vegetation on lands first. That seems to me like that is kind of a no-brainer. It is economic development, putting people to work, and building resilience into the land as well as helping with the flooding.

Are you folks all working on this together? You are all in the same area. Or you have got two different programs, and I am going to do a marriage here.

Mr. MANNING. Well, speaking for our group, we have three greenhouses that we use in the joint program with the BLM, Bureau of Land Management, and it is next to our school. And we are using it to grow seedlings for fire reclamation. We are growing right now—I think we are going to be growing 80,000 sagebrush seedlings, and we are looking at native plants. But we are northern Nevada, southwest Idaho, so from the Pueblos, we are like 800, 900 miles away.

Ms. MCCOLLUM. So is it the wrong plants? Is it the wrong kind of plants for their area?

Mr. MANNING. Yes, these are all local native plants.

Ms. MCCOLLUM. They are native plants, but they are the wrong native plants?

Mr. MANNING. They need the same thing, I guess. Give more money to him.

Ms. MCCOLLUM. Do you have a program like that we are going to be seeing?

Mr. CHAVARRIA. Right now, we are partnering with the Mesca-lero Apache and the Mora Research Center. And so they are the ones that are assisting us to go ahead and germinate our seedlings for us at this time.

Ms. MCCOLLUM. Mr. Chairman, that sounds like a real bang for your buck, you know, putting youth to work and doing resilience.

So thank you for including that in your testimony. And we do read your testimony.

Mr. ARMIJO. Okay. Thank you.

Mr. MANNING. And thank you for that, because I want to encourage that, because our students at our school have embraced this, you know, and I see these plants grow every day, and it is something that is real viable for tribes, I think, to get into reclamation of after-fires—

Ms. MCCOLLUM. Thank you.

Mr. MANNING [continuing]. For native plants.

Ms. MCCOLLUM. Thank you. Thank you, Mr. Chair.

Mr. ARMIJO. Mr. Chair?

Mr. COLE. Oh, certainly. Yes. Absolutely.

Mr. ARMIJO. May I address the member's comment?

With Albuquerque's hospital, it is, I understand, through the Albuquerque service unit director that the building is a historic building. So I believe they are going to try to keep that building as it is. However, I think with the number of people coming to the facility, I think a new facility will be warranted if, Mr. Chairman, and your committee, if you would consider funding into the future

maybe a new facility, that would greatly help the area, area Pueblos and the urban population.

Ms. MCCOLLUM. Mr. Chair, I think it is an opportunity ripe for consulting—

Mr. ARMIJO. Sure.

Ms. MCCOLLUM [continuing]. So that we don't duplicate. That we replicate in a way that is efficient and easy to use for the Pueblo Nation, the community members in there, and then what needs to be referred to Albuquerque, which is really a big, big drive to go into the city. I think this is an opportunity, and you have such good cooperation in the area to really figure it out. Maybe for some of the Pueblos to specialize, but to do it in a way that is family friendly and elder friendly.

Mr. ARMIJO. Yes. Yes. And even as a start, Mr. Chairman and members of the committee, consultation would be a good start and possibly putting out ideas as to how we could do this in the future. Thank you so much.

Mr. COLE. Thank you.

Again, thank you, gentlemen.

Mr. CHAVARRIA. Yes. I would like to say, we go back to our core values. Everything revolves around our native language, which is Tewa. Incorporating these valuable lessons with our elders and our children is important to understand how we live off the land, how we utilize those resources, comes back to our common core of loving, caring, respecting, and understanding. Without our Tewa language, we can't continue to pray, to do our songs, do our dances, and continue our livelihood of living off those lands. So it is important as we then start to mitigate to incorporate those values, and then we teach one another so that our livelihood doesn't just end today but continues into the future, from time immemorial into the future. It goes back to the power of prayer.

Ms. MCCOLLUM. Well said.

Mr. CHAVARRIA. Thank you, again, members of the committee, for allowing us to be here.

Mr. COLE. Thank you very much. It is great to have your testimony. Thank you for coming all this way.

Dr. ARMIJO. Thank you.

Mr. COLE. Boy, the Navajos are here in force, because they are always everywhere in force.

But if we can have Mr. Brossy, Mr. Lewis, Chairman Phelps, and President Martinez, we would love to have you up front.

Well, gentlemen, it is wonderful to you have you here. Again, I know many members of the committee not too long ago had the opportunity to visit your reservation. Thank you so much for the hospitality that was extended to the committee and really informative discussion and tour. We are all very, very grateful for that and learned a lot on the trip. Hopefully, it will inform us and help us make better decisions here. But, again, you were exceptionally gracious.

And by the way, thanks for the lovely gift shop at the hotel, because I dropped a lot of money there, but my wife was a very happy woman when I got home. So it was well worth it.

If we could, Mr. Brossy, we will start with you and then work right down the line. But, again, welcome, and you are recognized for 5 minutes.

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FRIDAY, MARCH 18, 2016.

## NAVAJO NATION

### WITNESS

**JACKSON BROSSY, EXECUTIVE DIRECTOR—WASHINGTON OFFICE,  
NAVAJO NATION**

Mr. BROSSY. Good afternoon. I appreciate the opportunity to testify. My name is Jackson Brossy. I am the executive director of the Navajo Nation Washington Office. And President Russell Begaye had planned on delivering these remarks in person. Unfortunately, he had to meet with some constituents, but he sends his regards, and I am going to read his prepared testimony.

My office coordinates with the Department of Dine Education as well as the Navajo-Hopi Land Commission, and they will cover these very important areas and not in this testimony.

First off, I want to acknowledge and thank you for coming out last year. I really appreciate it when we have the opportunity to invite guests over and invite them to our homes. I am glad you were able to take back something for your family. And we invite you to come back whenever you can, whenever you want to.

Before we get into specifics about the proposed budget, I would like to address three areas that are not included in the budget but I think still germane to this conversation.

First, there is a need to bring the Federal trust relationship into the 21st century, give it a little more teeth, and the Navajo Nation is going to be coming forward with a proposal on this very soon.

Second, there is a need for funding for transitional energy projects, and the Navajo Nation, like other folks, has been hit by, really, twin forces of macroeconomic pressure as well as some Federal pressure on carbon policy. And as a result, the revenues that we use to fund our programs have been significantly hit. We think the transitional energy projects and clean energy projects are something that Congress can look at, and we would appreciate that.

And, third, I want to highlight a significant delay in receiving funds the Navajo Nation is experiencing. It takes about 2½ months, at the very least, from after you all sign and the President signs a continuing resolution or a budget or an appropriations bill until that money can be transferred to the Navajo Nation and our programs. This significantly impacts us and, in the past, has even resulted in scholarships not being awarded on time, which has directly resulted in even folks dropping out of college.

We don't want that to happen again, and we can't let that happen again. So we would like your help in applying pressure where it is needed to make sure that doesn't happen again.

With that background, you all know about the Navajo Nation site. It is 17.2 million acres. We have a Division of Natural Resources that manages that. Our Division of Natural Resources is supportive of President Obama's budget request. At the same time, we also acknowledge that there are and have identified areas

where we can see increased funding, particularly in the area of management and operations, further detailed in the written testimony.

Our Water Resources Department manages and operates 14 dams within the reservation, and we support the President's budget. However, we see additional need for personnel operations as well. We request an additional \$797,000 for this budget.

Public safety is very important to us, and we estimate, in addition to what the budget request is, it would take another \$74 million to make public safety adequate and to the level that we enjoy here in the Nation's Capital. For example, there are eight police officers per 10,000 people in the Navajo Nation. In the rest of rural communities and comparable communities, there are about 22 per 10,000. Obviously, this has a big impact, and this impact is further compounded by the distance it takes to respond to different public safety emergencies.

For example, just in my own life, 2 weeks ago, I have a family member whose house burned to the ground as a result of low staffing levels and great distances.

Our police officers drive cars that are out of date. About one-third of our police cars have more than 150,000 miles on their odometers, and that is something that we would like to work with you all with.

Our travel court system is a court system that we are very proud of, and we think is leading the way. At the same time, it handles about 52,000 cases a year, and every judge, each judge handles about 4,000 cases a year. If you want to break that down, that is about 16 cases need to be fully completely handled per day. Obviously, this is not the ideal scenario, and we think that can be improved.

Our Human Services Division requested an increase of \$2.4 million. We are concerned with the downward trend of welfare assistance in the latest budget, and my written testimony provides additional details on this. But I just wanted to highlight that we have a housing program that had 954 applicants. Of those applicants, only eight people received homes, so that is an acceptance rate of 0.8 percent, less than 1 percent.

Our health—my time is up, so—I would like to refer—I don't want to go over too much time. I will leave—the details are in the written testimony. But I wanted to highlight that, in conclusion, the Navajo Nation entered into a treaty in 1868, and we take this treaty very, very seriously. We are bringing it out to our Nation for the 150th anniversary. And we know that the Federal Government takes it very seriously, but we want to take this treaty responsibility into the 21st century. So thank you for working with us, and thank you for coming out.

[The statement of Mr. Begaye follows:]

Russell Begaye, Navajo Nation President

March 18, 2016

Testimony for the U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

Yá'át'ééh. Good afternoon Chairman Calvert and Ranking Member McCollum and members of the subcommittee. My name is Russell Begaye and I am the President of the Navajo Nation. I appreciate this time to provide testimony before this committee. This testimony addresses the Navajo Nation's budgetary priorities and needs in fiscal year 2017 for the following agencies: the U.S. Department of Interior, the Indian Health Service, and the U.S. Environmental Protection Agency. Specifically, I will discuss our programs and priorities for Natural Resources, Public Safety and Justice, Environmental Quality, Safety of Dams, Healthcare, Human Services and the Environment.

On behalf of the Navajo Nation, I commend this subcommittee for working on a bi-partisan basis to provide increases in funding for Indian programs for fiscal 2016. As you well know, Indian Country is very far from full, or even sufficient funding, however it is still good to see an incremental increase. I encourage the subcommittee to maintain this positive trend.

Before addressing specific funding areas, I want to highlight the significant delay in receiving federal funds. It takes at least 2 ½ months for the nation to receive its funds after the President signs a continuing resolution or the appropriations bill. This delay is unacceptable. For example, in the past, it has prevented students from receiving higher education scholarships, which has directly resulted in some dropouts. We are once again being threatened with this delay. We implore this committee to work with the administration to resolve this bureaucratic delay.

#### **Natural Resources**

The Navajo Nation is the largest Indian reservation in the United States with about 17.2 million acres of land, or larger than 11 the states in the union by comparison. Our Division of Natural Resources oversees our vast natural resources and it is divided into 12 departments: Agriculture, Forestry, Resource Enforcement, Parks & Recreation, Museum, Archaeology, Land Department, Fish & Wildlife, Abandoned Mine Lands/Uranium Mill Tailings Remedial Action, Historic Preservation, and Water Resources. Our Nation requests an increase of \$1.37 million of additional funding to our budget for Natural Resources. We also support the increases in the President's Interior budget pertaining to Natural Resources Management, however we do want to give emphasis the following priorities.

- Wildlife and Parks Program. The Navajo Nation Division of Fish and Wildlife is responsible for conserving, protecting, enhancing and restoring the nation's fish, wildlife, and plants through the implementation and enforcement of Navajo and Federal laws. Funding for additional personnel is needed to conduct research on fish and wildlife, provide oversight and monitoring hunting and fishing activities, provide law enforcement patrol for poachers and other criminal activities, provide oversight of endangered species, provide animal control, operate the Navajo zoo and many other activities.
- Water Resources Program. Our Water Resources Program oversees our water resources as well as implementing Navajo's water code, implementing federal law, monitoring ground and

surface water, monitoring climate, developing drought information, operating and maintaining dams, GIS Database and library archive, and coordinating Intergovernmental water resources. We need additional funding for personnel and increasing operations and maintenance cost.

- **Forest Management.** Our Forestry Department manages 596,728 acres of commercial forest and 4,818,815 acres of woodlands. The department is involved in forest management, woodland management, forest development, forest marketing and forest management, and forest inventory and planning. We need additional funding for personnel and basic operations and maintenance costs in order to complete the tasks of the department.

#### **Real Estate Services – Environment Quality Program – Historic Preservation**

Our Navajo Nation Historic Preservation Department is responsible for protecting, preserving and managing our cultural resources. We support the increases in the President's budget, however we need additional funding for personnel and operation costs in order to ensure compliance with the National Historic Preservation Act, to perform needed assessments and archaeological field services. We request an increase of \$895,000 for this budget.

#### **Resource Management Construction – Safety of Dams**

The Navajo Nation's Water Resources Department operates and manages 14 dams within the reservation. We support the increase in the Presidents budget, however we need additional funding for personnel, program operations, intergovernmental projects, reports on drought conditions, technical assistance, and, in the area of Safety of Dams, completion of dam operations & maintenance manuals, complete inundation maps, completion of emergency action plan table top exercises, repair of riprap, and installation of fencing. We request an increase of \$797,000 of additional funding for this budget.

#### **Public Safety**

Generally, we support the increases in the President's Interior budget concerning Public Safety and Justice, however to provide adequate safety, we still need additional funding. We estimate that it would take \$74 million in additional funding to ensure proper law enforcement, detention and judiciary services. Here are some of our public safety priorities:

- **Criminal Investigations & Police Services.** There are 145 police officers on the ground who responded to about 213,600 service calls and made 25,700 arrests last year. The ratio of police officers is approximately 8 per 10,000 people, which is far less than the average 22 officers per 10,000 people of other rural areas. Furthermore, these officers monitor over 17.2 million acres of Navajo land. The deficit in number of police officers and the vast distances to travel results in increased response times, which allows more bad actors to get away with crime. As such, the Navajo Nation needs more police officers, as well as criminal investigators, to handle the large volume of service calls and criminal cases every year. Police vehicles are subject to wear and tear due to the significant service territory. Currently, our public safety team has about 254 vehicles -- 86 of these units have more than 150,000 miles.
- **Detention and Corrections.** The Navajo Nation has 6 adult and 3 juvenile detention facilities. Two of these detention facilities are old facilities and the nation is in the process of planning for replacement, which will require additional funding. As with any new facilities, additional funding for staff, operations and maintenance is also required.

- Tribal Courts. Our judicial system is a two-level court system: one Supreme Court and trial courts in 11 judicial districts. There are 3 supreme court justices and about 13 judicial court judges that handle about 52,000 cases every year involving all types of cases such as civil, criminal, traffic, family civil, domestic violence, dependence, delinquency, probation, peacemaking. With an average caseload of 4,000 cases per year, we are in sore need of funding for additional judges. We also require additional funding to replace a couple outdated and substandard judicial courthouses. Two of these courthouses are in modular buildings.

### **Human Services**

Our Navajo Division of Social Services provides a variety of services to families, children and family units through its 7 departments, which include the Department of Self Reliance, Child Care & Development, Development Disabilities, Children and Family Services, Mental Health Treatment Center, and School Clothing and Special Projects. We requested an increase of \$2.48 million of additional funding to our budget for human services. We are concerned with downward trend of Welfare Assistance in the latest budget. Here are some of our priorities:

- Welfare/General Assistance. This department handles a variety of cases including elderly services, in home care, crisis intervention, foster care, protective service intervention, youth emergency shelter home, children home placement, temporary family financial hardships, burial assistance, child abuse and neglect, domestic abuse, sexual abuse, physical and emotional trauma, behavioral and mental health, ICWA, housing improvement, etc. Because these services are vital to the well being of our Navajo people and because the cost of personnel and operations increasing, we ask you support increased funding for this area.
- Housing Improvement Program. This program provides housing repair, renovation and construction of homes for the very low-income Navajo families. The families who receive services from this department do not qualify for mortgage programs under NAHASDA. In 2015, the program had 954 applicants but was only able to provide 8 homes, meeting only 0.8% of demand. Increased funding will result in directly building new homes for our neediest families.

### **Health**

The Navajo Nation appreciates the bi-partisan increases in funding for the Indian Health Service (IHS) realized in fiscal 2016 and we request Congress continue the momentum in 2017. Our top priority areas and 2017 funding request rank as follows: (1) Health Care Facilities Construction ("HCFC") - \$137 million; (2) Sanitation Facilities Construction ("SFC") - \$103 million; (3) Purchase/Referred Care (PRC) - \$96 million; (4) Hospitals & Health Clinics - \$1.9 billion; and (5) Maintenance & Improvement - \$77 million.

Our priority areas reflect the great need for health care infrastructure and construction. Our facilities are out of date and crumbling, which in turn heightens our need for Maintenance & Improvement and PRC funding. The outstanding priority list for HCFC totals \$2 billion to complete, but this is not representative of the need in Indian country. The last facility on the list is the Gallup Indian Medical Center, which was cited by the U.S. Commission on Civil Rights as an "utter disaster." We urge Congress to start funding HCFC at \$137 million yearly so GIMC will see construction in 14 years versus 20 years under the pre-2016 funding levels.

The Navajo Nation has over 4,500 homes lacking funding for adequate water and sewer facilities, resulting in a \$344 million need for SFC funding. This program saves lives and money by reducing the need for hospitalization. Infant mortality rates and mortality rates for gastroenteritis and other environmentally-related diseases have seen a reduction of about 80 percent since 1973 due in great part to this program.

#### **Environment - Gold King Mine Incident**

On August 5, 2015, the U.S. EPA and other parties caused a massive spill of toxic contaminants into the Animas and San Juan River from the Gold King Mine. As a result of the spill, Navajo land and its people had to endure significant hardships over the past 7 months. Canals and waterways that fed crops and livestock were forced to close. Some farmers lost all their crops; many lost a significant portion of their crops. Many farmers will suffer long-term financial harm, such as the alfalfa producers who rely on regrowth of their crops from the same seeds through a number of years—seeds which have been destroyed due to the Gold King Mine spill.

The Navajo Nation also spent substantial sums responding to the Gold King Mine Spill. We have been working hard to recover our costs, but despite U.S. EPA's promises to work cooperatively to compensate those harmed by the spill, we have yet to recover virtually any of our costs—more than 6 months later. So far, our requests are met with resistance, delays, and counter-demands by the U.S. EPA for more information. The U.S. EPA has even suggested that it will only reimburse a small fraction of the costs we incurred, unreasonably second guessing the precautions the Nation took to protect our people from the harms caused by the U.S. EPA's misdeeds. This does not meet with the promises made by Gina McCarthy in the immediate aftermath of the spill to work quickly to compensate the victims. The Nation deserves to be reimbursed.

We also have yet to determine the full extent of the impacts to human, animal, and plant health. Even the safety of the water remains unknown and unpredictable, as the toxic contaminants and heavy metals lurk in the River, waiting to be re-suspended during storms and the expected heavy runoff this spring. The Navajo people rightly have lost trust in the U.S. EPA and in the water and the ranchers and farmers need their money now. They cannot wait any longer.

#### **Office of Surface Mining Reclamation and Enforcement**

The U.S. Office of Surface Mining Reclamation and Enforcement is proposing elimination of Certified Tribal and State Programs in their FY2017 Budget Proposal, which eliminates funding essential to continue the management of abandoned mines on the Navajo Nation. We urge you to support continued funding for the Navajo Abandoned Mine Land programs and activities.

#### **Conclusion**

In conclusion, the Navajo Nation entered into a treaty with the United States in 1868. As such, this federal government has a treaty responsibility to both protect and assist tribes in protecting our land and resources, and developing a sustainable permanent homeland. The priorities outlined by the Navajo Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-sufficiency and tribal sovereignty. Thank you.

Mr. COLE. Well, thank you, again, for the hospitality and the invitation. And we look forward with a great deal of anticipation to this proposal about updating and modernizing sovereignty. I think there would be a lot of interest in that throughout Indian Country, certainly by this committee.

Superintendent Lewis, good to see you again, and you are recognized for 5 minutes. Great to have you here.

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FRIDAY, MARCH 18, 2016.

## **NAVAJO NATION—DEPARTMENT OF DINÉ EDUCATION**

### **WITNESS**

#### **TOMMY LEWIS, JR., SUPERINTENDENT OF SCHOOLS, DEPARTMENT OF DINÉ EDUCATION—NAVAJO NATION**

Mr. LEWIS. Thank you very much.

Representative Cole, Ranking Member McCollum, and honorable members of the committee, thank you for the opportunity to testify before the Department of Diné Education. My name is Tommy Lewis, and I am superintendent of schools on the Navajo Nation. I represent a tribal education department that has a major responsibility to ensure student success is a priority.

The treaty of 1868 mandates the tribal government or Federal Government to provide quality education for my people through the Navajo Sovereignty in Education Act of 2005, the Navajo Nation created the Department of Diné Education and the Navajo Nation Board of Education. The goal of this department is to make it similar to a State department of education, similar powers, similar authorities, over 260 schools of our nation serving approximately 85,000 students from kindergarten through 12.

Tribal law mandates that I, as tribal leader, work with all schools on the nation to improve the quality of education. I come before you today to present testimony on Federal funding that impacts students and the 66 BIE-funded schools on our nation. We work in partnership with the Bureau of Indian Education to administer the operation of 32 BIE-operated schools. Additionally, Diné Education, in collaboration with local school boards, is actively engaged in the administration and operation of 34 tribal grade schools. Over the years, I have heard testimonies from various tribes and tribal organizations highlighting the consistent failure of the BIE system, both academic and physical failure. In contrast to the overall failure, I would like to point out that some schools are excelling on the Navajo Nation. One school in particular is Tuba City Boarding School, which is the largest BIE boarding school on Navajo with approximately 1,400 students. This is an excellent example of a school that is making a substantial difference in the lives of our students by closing the academic achievement. Tuba City Boarding School has met the AYP standards for the past 12 years consecutively.

These students outperform other students attending nearby public schools, despite facing substantial challenges. Our shared goal with the BIE is to ensure that every Navajo student has access to a high-quality education. I highlight this example to show that financial investment through the BIE can and is providing a way to

student success. While tremendous progress in the Federal budget has been made in the past years, I am here today with other members of the Navajo Nation to advocate for increased funding in specific areas of need.

In my written testimony, I jot down 10 items. I will talk about four of them with you today.

School facilities construction and replacement. We are pleased to see the increase in last year's budget that will fund a replacement of Little Singer Community School and Cove Day School. However, there are still remaining 31 BIE-funded schools on the Navajo Nation that are considered by the BIE to be in poor condition. Many schools are dilapidated with lead, mold, and other hazardous materials. As you heard on Wednesday from the GAO, student safety and health is a concern that is currently being neglected by the BIE. We support this request for \$138.3 million, but it is obvious that more is needed to address these problems.

Student transportation. We support the request for \$57.3 million to fund essential school transportation and urge Congress to continue investment in the improvement of school bus routes. Students on the Navajo Nation endure long distances simply to get to school. In fact, it is not uncommon for a child to spend several hours a day traveling and most of that time is spent on marginal maintained dirt roads. In the Northern Navajo Agency alone, there are 832 miles of unimproved school bus routes. As a result, the most cost to maintain our essential school bus fleet is significantly high due to accelerated wear and tear on the vehicles. Without reliable school buses and improved road conditions, our students will be forced to miss critical classroom hours.

On tribal grant support costs, we support full funding for this item. These funds are essential in operation and administration of tribally controlled grant schools. In previous years, the appropriated funding level met less than 60 percent of the need. As a result, schools are required to reduce staff that dangerously hinders the operation.

My colleagues are here to speak to the importance of this funding in their testimonies later on.

On the Indian School Equalization Program, ISEP, otherwise known as ISEP, is the core funding account for education residential programs at BIE-funded schools. ISEP funds are used for instructional programs, residential programs, salaries of teachers, teacher aides, principals, and other administrators. By increasing these core budget items, students will ultimately benefit with qualified staff and services.

In conclusion, as stated in the Navajo Sovereignty in Education Act of 2015, it is the education mission of the Navajo Nation to promote and foster life-long learning for the Navajo people and to protect the cultural integrity and sovereignty of the Navajo Nation. The Navajo Nation, through the Department of Education, Navajo Board of Education, and its partners will continue to move forward with achieving this goal. We appreciate this opportunity to highlight the budgetary deficiencies affecting the classrooms. Thank you very much for your time.

[The statement of Mr. Lewis follows:]



**DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION**

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**Russell Begaye**  
President

**Jonathan Nez**  
Vice-President

Written Testimony of Dr. Tommy Lewis Jr.  
Navajo Superintendent of Schools

Prepared for the  
U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

March 18, 2016

Chairman Calvert, ranking member McCollum, and honorable members of the subcommittee, thank you for the opportunity to testify on behalf of the Department of Diné Education. My name is Dr. Tommy Lewis, and I am the Superintendent of Schools of the Navajo Nation Department of Diné Education. My testimony will focus on challenges the Navajo Nation has encountered as a result of inadequate funding of the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE). Overall, the president's proposed 2017 federal budget request represents a significant step forward and commitment from the federal government to improve Indian education, especially when compared to the fiscal 2016 enacted budget and historical appropriations for Indian education.

The Navajo Nation has been a proactive stakeholder in the education of our children. Through the Navajo Sovereignty in Education Act of 2005, the Navajo Nation created the Department of Diné Education (DODE) and the Navajo Nation Board of Education to directly "exercise its responsibility to the Navajo People for their education." We have developed five key content standards: Diné History, Culture, Language, Government and Character; in order to ensure our survival as Navajo People. Over the past nine years, the Department of Diné Education has spent significant tribal resources to develop the Navajo Nation Accountability Workbook to ensure students attending tribally controlled schools receive an education supplemented with Diné standards. In order to implement these standards, we must receive approval from the Bureau of Indian Education and U.S. Department of Education. It is our hope that Navajo Nation Accountability Workbook will be finalized in the near future.

The Department of Diné Education has been working to build a high caliber, unified education system and to progressively seek recognition as a "State Education Agency." In order achieve this goal we need sufficient funding to meet the minimum standards and challenges faced by our schools. Today, we highlight proposed budget increases within the president's fiscal 2017 budget request that will begin to address deficiencies affecting our classrooms.

**Navajo Nation Schools and Student Enrollment**

The Navajo Nation school system operates in 17 school districts on the Navajo Nation located within three states: Arizona, New Mexico, and Utah. Currently, 244 schools serve Navajo students on and off the reservation. Of these schools, 32 are BIE-operated schools, 33 are Public Law 100-297 tribally-controlled grant schools and 1 is a Public Law 93-638 contract school. The remaining schools are state public schools or charter schools.

**BOARD OF EDUCATION**

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According to SY 2014-2015 enrollment reports, we have a combined total of 36,661 Navajo students attending schools on the Navajo Nation. BIE operated and tribally controlled grant/contract schools collectively serve 14,410 Navajo students, which is 39.3 percent of all Navajo students residing on the Navajo Nation and, of those students, 21.9 percent attending BIE-operated schools and 17.4 percent attending grant/contract schools.

Based on the same data 22,172 Navajo students attend state public schools on the Navajo Nation, which comprises 60 percent of all students. The other 48,309 Navajo students attend public schools located off the Navajo Nation.

#### **Facilities Construction, Repair & Replacement**

DODE was pleased to see the \$63.7 million increase in education construction in the 2016 budget, which allowed the replacement of two Navajo schools, the Cove Day School and Little Singer Community School. Although it has been 12 years since the schools were placed on the Replacement School Construction List, we are pleased the construction process can be started. I should note however, today on the Navajo Nation, an additional 31 BIE-funded schools are listed as in "poor" condition. Our students and teachers have no choice but to continue using dilapidated facilities. We support the request for \$138.3 million to repair and replace school facilities in poor condition, however more funding is needed to address the longstanding list of facilities concerns.

#### **Transportation**

DODE supports the president's 2017 request of \$57.3 million, which is an increase of \$4.1 million to fund essential school transportation and urges Congress to continue to invest in the improvement of school bus routes. Students on the Navajo Nation endure long distances simply to get to school. In fact, it is not uncommon for a child to spend several hours a day traveling and most of that time is spent on marginally maintained dirt roads. Approximately 90 percent of the Nation's roads are unimproved and unpaved. In the Northern Navajo Agency alone, there are 832 miles of unimproved school bus roads. As a result, the cost to maintain our essential school bus fleet is significantly high due to the accelerated wear and tear on vehicles. Without reliable school buses and improved road conditions, our students are forced to miss critical classroom hours.

#### **Higher Education Scholarships**

DODE supports the president's 2017 requested increase of \$6.6 million for scholarships and adult education. These federal funds for higher education are used to provide scholarships to undergraduate Navajo students and are administered by the Office of Navajo Nation Scholarship and Financial Aid (ONNSFA) through a Public Law 93-638 contract. Last year (calendar year 2014), ONNSFA received scholarship applications from 10,069 students, however only 6,035 Navajo students received funding. Due to insufficient funding levels, over 40 percent of eligible Navajo students were not awarded scholarships. The Navajo Nation needs increased funding in order to award scholarships to all eligible students pursuing a college degree.

In addition to inadequate funding, each time the federal government operates under a continuing resolution, scholarship funding is severely delayed which is problematic for students who depend on these scholarship funds to pay for tuition, books, room and board. The Navajo Nation respectfully requests that Congress forward fund scholarship, similar to the forward funding of Tribally Controlled schools and Universities.

#### **Johnson O'Malley Assistance Grants**

DODE supports the president's fiscal 2017 request of \$18.5 million, which is an increase of \$3.6 million. The Navajo Nation operates a Johnson O'Malley (JOM) program through a P.L. 93-638 contract to serve Navajo students attending public schools on or in close proximity to the Navajo Nation. The JOM program provides supplementary financial assistance to public schools to meet the unique and specialized educational needs of American Indian students. JOM funding is used to provide a range of services such as Navajo language courses, tutoring, and school supplies to Navajo students in public schools. Currently, the Navajo Nation

subcontracts with 27 sites to provide services to 41,627 Navajo students attending public schools at a formula funding rate of \$66.28 per student. The JOM program has seen an increase in student count and sites. An increase in funding is essential to address the unmet needs of the increasing number of Navajo students attending public schools.

#### **Tribal Grant Support Costs**

DODE supports the president's request to fully fund 100 percent of the Tribal Grant Support Costs. In previous years, the funding appropriated for TGSC met less than 60 percent of need. As a result, schools were required to reduce staff to dangerously low levels and/or are forced to divert funds from other educational programs (i.e. Special Education, Title I, Student Transportation, ISEP, etc.) to meet their statutorily mandated administrative requirements. We encourage the subcommittee to continue to support tribal sovereignty through full funding of Tribal Grant Support Costs.

#### **Indian School Equalization Program**

DODE supports the president's request to increase the Indian School Equalization Program (ISEP) by \$6.5 million. The Indian School Equalization Program is the core budget account for educational and residential programs of the BIE elementary and secondary schools and dormitories. These funds are used for instructional programs at BIE-funded schools and residential programs at dormitories, and include salaries of teachers, teacher aides, principals, and other school-level program administration, food service, and dormitory staff.

#### **Education IT (Broadband)**

DODE supports the president's request of \$25 million, which is an increase of \$16.8 million to increase bandwidth at 54 BIE schools. These critical investments in improved educational IT broadband access will increase access to online resources for our Navajo schools, students, and teachers. These improvements will also assist schools in meeting bandwidth and technological requirements needed for the next generation student assessments.

#### **Early Childhood Development**

DODE supports the president's fiscal 2017 requested increase of \$4 million for Early Childhood Development such as the Family and Child Education program, otherwise known as FACE. The FACE and BabyFACE programs have demonstrated to be effective in preparing students with the skills needed to be successful upon entering the school setting. The Navajo Nation currently has 23 FACE Programs and 9 BabyFACE programs in operation.

#### **Education Program Enhancements and Tribal Education Departments**

DODE supports the president's 2017 increase for Education Program Enhancements and Tribal Education Departments funding. The Navajo Nation has been a recipient of the Sovereignty in Indian Education Grant and Tribal Education Department Grant, both of which support the Navajo Nation's goal of building a high quality education system. This type of funding is essential for tribes seeking to implement education reform initiatives.

#### **Conclusion**

In conclusion, as stated in the Navajo Sovereignty in Education Act of 2015, "It is the educational mission of the Navajo Nation to promote and foster lifelong learning for the Navajo people, and to protect the culture integrity and sovereignty of the Navajo people." The Navajo Nation through the Department of Diné Education, Navajo Nation Board of Education, and its partners, will continue to move forward with achieving this goal. We appreciate this opportunity to highlight the budgetary deficiencies affecting our classrooms. Thank you.

□

Mr. COLE. Thank you very much for your testimony.  
If we could, next, we will go to Chairman Phelps.

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FRIDAY, MARCH 18, 2016.

**NAVAJO-HOPI LAND COMMISSION AND NAVAJO NATION  
COUNCIL DELEGATE**

**WITNESS**

**WALTER PHELPS, CHAIRMAN, NAVAJO-HOPI LAND COMMISSION AND  
NAVAJO NATION COUNCIL DELEGATE**

Mr. PHELPS. Good afternoon, Congressman Cole, Mr. Benjamin, Ranking Member McCollum. Good afternoon.

Thank you for the opportunity to testify on behalf of the Navajo-Hopi Land Commission of the 23rd Navajo Council. My name is Walter Phelps, chairman of the Navajo-Hopi Land Commission. On behalf of the commission, again, I thank you. I appreciate the time that you spent with us on the Navajo a year ago to witness the effects, devastating effects, of relocation.

It has been over 40 years since the act, the Navajo-Hopi Land Settlement Act of 1974, that left the Navajo Nation with a population of relocatees, many who have still or are awaiting for their benefits and others that are still struggling outside of the jurisdiction of Navajo Nation, and also about a million and a half acres of former Bennett Freeze Area that is economically depressed.

Recently, the Interior issued two reports, one in November 2014 and another one just last month, OIT reports. And in those two reports, they identify two reasons for the delay in getting the relocations completed.

First is Office of Navajo-Hopi Relocation's failure to complete eligibility determinations, and then second is the complicated and lengthy administrative appeals process.

So ONHIR routinely denies applications with subsequent court decisions, administrative review, that have determined should have been granted afterwards. The appeals process is costly for both the agency and the Nation, who has fully funded the Navajo-Hopi Legal Services Program legal representation of appellants since 2011, but it was subsidized in previous years.

We request \$450,000 in legal service funding for legal representation of Indian appellants by the Navajo-Hopi Legal Services. We have continued to provide these services in the absence of funding from ONHIR. We would also request report language that prohibits ONHIR from imposing restrictions on the use of the funds by Navajo-Hopi Legal Services. Procedural due process issues have also arisen in recent times. In addition, ONHIR has also enacted new policies that heightened the burden of proof at eligibility hearings. This requires well-trained attorneys providing advice at all stages of the appeal, not the tribal court advocate, which ONHIR has provided funding for.

ONHIR's routine denials of applications and reliance on the adversarial process have increasingly diverted funds away from building homes for certified applicants. There are about 96 certified applicants and approximately 200 pending administration appeals.

Navajo Nation is in no way assured that ONHIR can accomplish all the closeout and transition within the next 28 months. We request the subcommittee to include report language that would require ONHIR to complete a comprehensive assessment of ongoing duties, necessary closing and transition activities, and then develop a transition plan with feasible timelines and costs in consultation with Navajo Nation. With appropriate oversight by this committee and full funding, ONHIR should be able to accomplish a timely and comprehensive transition.

With regard to the Bennett Freeze, we request the subcommittee allocate \$20 million for housing and related improvements in the Bennett Freeze Area to help meet the critical needs of the people living in the Freeze, including housing, safe drinking water, electricity, emergency response services, telecommunications, infrastructure, and community facilities.

We urge this committee to support incentives to encourage private sector investment in the Bennett Freeze Area and with relocation-impacted areas by permitting regulatory relief for the limited purposes of renewable energy, housing, public community facilities, infrastructure development. It is hoped that by streamlining the regulatory process, development in these areas would be spurred, because Federal, tribal, and private dollars can be stretched further.

We appreciate the increased funding in fiscal year 2016, but we would also like that to be continued for fiscal year 2017. We are not assured that the level of funding contained in the President's budget will adequately address the structural problems in the New Lands communities in 2017.

The major legal struggles between the Nation and the Hopi tribe are largely over, but there remains significant humanitarian issues resulting from Federal relocation policy. The Land Commission is committed to working with you to find ways to bring about an end to the relocation error in an efficient, effective, and passionate manner. Thank you.

[The statement of Mr. Phelps follows:]

**Written Testimony of Walter Phelps  
Chairman, Navajo-Hopi Land Commission  
23rd Navajo Nation Council**

**Prepared for the  
United States House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

**March 18, 2016**

**Requests:**

1. **Provide necessary funding to complete relocation, address housing concerns of relocatees, and fund legal services for Indian appellants.**
2. **Provide \$20 million for critical needs in the former Bennett Freeze Area.**
3. **Establish the Navajo Tribe Sovereignty Empowerment Demonstration Project.**
4. **Increase oversight of the rental payment processes.**
5. **Require the Office of Navajo and Hopi Indian Relocation collaborate and consult with the Navajo Nation and the U.S. Department of the Interior in creating a feasible close out and transition plan to be submitted by September 31, 2016**

**Introduction.** Chairman Calvert, Ranking Member McCollum, and honorable members of the subcommittee, thank you for this opportunity to provide testimony on behalf of the Navajo-Hopi Land Commission (NHLC) of the 23rd Navajo Nation Council. My name is Walter Phelps, Chairman of the NHLC and a Council Delegate. On behalf of the Commission, I sincerely thank the subcommittee for its attention to the former Bennett Freeze Area (FBFA) and the Office of Navajo and Hopi Indian Relocation (ONHIR). We appreciate the time you took last year to visit the Navajo Nation to witness the devastating effects of relocation firsthand and appreciate the increased funding in fiscal 2016 to expedite the ONHIR's work and provide further investigation and oversight through evaluation by the U.S. Department of Interior (DOI) Office of Inspector General (OIG). The Navajo Nation, perhaps more than any other party involved, desires to bring closure to the relocation process, which has marked a sad chapter in American history. We believe the federal government has a responsibility to bring this closure about in a conscientious and compassionate manner and to ensure a smooth and complete transition of ongoing responsibilities before closure.

**Continuing Consequences of Forced Relocation.** The Navajo-Hopi "land dispute" has largely been a creature of federal Indian policy and resulted in the forced relocation of 10,000 Navajos—the largest forced relocation since the internment of Japanese-Americans. This forced relocation stripped once self-sufficient families and communities of their homes and livelihoods and had devastating spiritual, psychological, and cultural consequences that continue to this day.

It has been over 40 years since the Navajo Hopi Land Settlement Act of 1974. Relocation has left the Navajo Nation with a population of relocatees, many of whom have yet to receive the full benefits Congress intended; a population within Hopi-Partitioned Lands that struggles living outside the jurisdiction of the Nation; and a population in the 1.6-million acre FBFA that remains severely economically depressed in large part due to the U.S.-imposed, 40-year development

freeze.

**ONHIR Operations.** The DOI OIG has published two reports on the ONHIR since 2014 that identified two causes for the delay in completing relocation: ONHIR's failure to complete eligibility determinations, which have recently been completed; and the complicated and lengthy administrative appeals process.

ONHIR routinely denies applications that subsequent court decisions and administrative review have determined should have been granted. ONHIR's routine denials force people into a lengthy and dehumanizing appeals process, with the vigorous cross-examination of non-English speaking Navajo elders adding to the suffering that relocation has imposed upon the Navajo people. This appeals process is also costly for both the agency and for the Navajo Nation, who has fully funded the Navajo-Hopi Legal Services Program (NHLS), legal representation of appellants, since 2011 and subsidized in prior years.

In recent years, ONHIR has failed to consult with the Navajo Nation prior to taking action on areas that often infringes upon the due process rights of the Navajo people. ONHIR's counsel regularly references evidence in his post-hearing memoranda that was not disclosed or admitted into evidence during the administrative appeal hearings for applicants for relocation compensation. As a result, the Administrative Law Judge (ALJ) often denies applicants' appeals based on ONHIR's undisclosed evidence. The ALJ prohibits applicants' counsel (i.e., Navajo Nation attorneys, who provide representation to individual Navajo relocatees) from sending him evidence before the hearing as is allowed pursuant to pre-hearing procedures. Instead NHLS attorneys are required by the ALJ to send evidence through ONHIR. NHLS reports that ONHIR regularly refuses or fails to share that evidence with the ALJ. Furthermore, ONHIR has also enacted new policies, such as heightening the burden of proof at eligibility hearings.

ONHIR's routine denials of applications and reliance on the adversarial process have increasingly diverted funds away from building homes for certified applicants. There are approximately 96 certified applicants and approximately 200 pending administration appeals. Meanwhile, many relocatees that have received benefits live in ONHIR-built houses that are literally falling down around them.

**ONHIR requires greater oversight.** ONHIR has not had a commissioner in 20 years, since the resignation of Commissioner Kunasek in 1994. The Navajo Nation has requested appointment of a new commissioner through a letter to President Obama, through NHLC Resolution NHLCO-36-13(A), and through past testimony to this subcommittee. This lack of oversight has meant ONHIR has not fully complied with Executive Order 13175 and the president's November 5, 2009 memorandum on tribal consultation. The NHLC was not informed that ONHIR intended to close at the end of fiscal 2018; the NHLC learned this through the 2017 budget testimony provided to this subcommittee one month ago. During meetings with ONHIR, the executive director routinely refuses to provide answers and directs our leaders and employees to submit questions in writing so he can respond. With greater oversight, redirection, and full funding, the agency should be able to accomplish a timely and compassionate conclusion to the relocation era and comprehensive transition.

**The Former Bennett Freeze Area.** In 1966, Commissioner of Indian Affairs Robert Bennett froze development that lasted 40 years in a 1.6-million acre area that encompasses nine Navajo Chapter communities in the western portion of the Navajo Nation. For the FBFA to recover and redevelop, there must be a sustained reconstruction program implemented over a decade or more. This would be consistent with the findings of the Senate Interior Appropriations Subcommittee's July 1993 field hearing. The nine Navajo chapters in the FBFA have extended lists of projects they need to adequately serve their communities, including housing and related infrastructure, solid waste transfer station facilities, fire departments, telecommunications infrastructure, assisted living centers for seniors, and community facilities such as cemeteries and recreation parks. Funding for road repair and maintenance is also an enormous challenge. Although the federal government bears great responsibility to the harm that those in the FBFA continue to suffer, the NHLC recognizes that full redevelopment ultimately lies in our own hands. In addition to seeking funds, we ask this subcommittee to the support private sector partnerships and incentives needed for transformational change.

#### **Requests:**

##### **1. Provide necessary funding to complete relocation, address relocatee concerns, and provide legal representation to Indian appellants**

We applaud this subcommittee for the increased funding realized in fiscal 2016 to expedite the relocation work of OHNIR and request the funding level be continued in 2017. Additionally, we request that funds be explicitly restricted to building homes and attendant infrastructure so that ONHIR may not use budget increases to further inflate its administrative costs.

As outlined in the February 2016 DOI OIG report, the housing built by ONHIR or at its direction, in the communities of Little Silversmith, Middle Well, and East Mills, all evidence damage. Many are in need of repair and many should be replaced all together. As stated on Page 8 of the report, "It is difficult to envision a course of action other than relocating all of the East Mill residents for a second time." These issues must be immediately addressed by OHNIR. It is imperative that by the end of fiscal 2017, all repairs and replacements are completed to allow time for follow-up by ONHIR before its intended closure in 2018. We are not assured that the level of funding contained in the president's budget request will adequately accomplish this necessary task.

The Navajo Nation requests \$450K in legal service funding for it to provide legal representation of Indian appellants. We have continued to do so in the absence of funding from ONHIR. Additionally, for the procedural due process issues stated *supra*, we request report language that prohibits ONHIR from imposing restrictions on the use of the funds by NHLs. This is due to NHLs desire to fund an additional attorney, but, in the past, was required by OHNIR to use the funds for 1 attorney and 1 tribal court advocate. Also, NHLs wants to provide legal assistance to the appellants at all appeal stages.

##### **2. Provide \$20 million for critical needs in the Former Bennett Freeze Area.**

The critical needs of the people living in the FBFA include housing, safe drinking water,

electricity, timely emergency response services, telecommunications infrastructure, and community facilities. We request the subcommittee allocate \$20 million for housing and related improvements in the FBFA out of the BIA Trust Natural Resources Account (Natural Resources Subactivity). Notably, the NHLC will be expanding its own housing construction and repair services based on revenues from the lands it manages for the benefit of relocatees, and this program may prove to be the appropriate vehicle for funding efforts in the FBFA.

### **3. Navajo Tribal Sovereignty Empowerment Demonstration Project**

The NHLC asks the subcommittee to support new incentives to encourage private sector investment in the FBFA and other relocation-impacted areas by permitting the waiver of certain Federal laws (but keep in place their Navajo equivalents) for the limited purposes of renewable energy, housing, public and community facilities and infrastructure development within certain empowerment zones (limited to 150,000 acres). It is hoped that by streamlining the regulatory process, development in these areas will be spurred because federal, tribal and private dollars can be stretched further to spur increased development. An example of the language that could be used to advance these goals can be found in Section 4 of HR 3911.

### **4. Increase oversight of the rental payment processes.**

We request report language encouraging DOI to conduct a study and furnish a report regarding lease payments due from the Navajo Nation to the Hopi Tribe (~~see~~ 25 U.S.C. § 640d- 15(a)). The BIA delays for years in making these rental determinations, resulting in huge interest payment obligations on the part of the Navajo Nation. ~~See~~ HR 3911, § 3.

### **5. Mandate ONHIR collaborate and consult with the Navajo Nation and DOI in creating a close out and transition plan to be submitted by September 31, 2016**

The Navajo Nation is in no way assured ONHIR can accomplish all close out and transition activities by its stated closure date of September 31, 2018, only 28 months from now. We request the subcommittee include report language that would require ONHIR complete a comprehensive assessment of ongoing duties, and necessary closing and transition activities within three months time. Then, in consultation with the Navajo Nation and DOI, develop a transition plan with feasible timelines and costs associated with ongoing duties, to be due to Congress by end of fiscal 2016. This is to ensure ONHIR does not close prematurely and that the costs of ongoing duties are funded appropriately following ONHIR's closure.

**Conclusion.** The major legal struggles between the Navajo Nation and the Hopi Tribe are largely over, but there remain significant humanitarian issues resulting from federal relocation policy. The NHLC is committed to working with you to find ways to bring about the end of the relocation era in an efficient, effective, and compassionate manner. Thank you for the opportunity to present this testimony.

Mr. COLE. Thank you very much for your testimony.

And, as you know, we have spent a considerable amount of time trying to learn about this issue, and we appreciate this input.

If we can, Mr. Martinez, we will move to you.

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FRIDAY, MARCH 18, 2016.

## **RAMAH NAVAJO SCHOOL BOARD**

### **WITNESS**

**DAVID MARTINEZ, JR., PRESIDENT, RAMAH NAVAJO SCHOOL BOARD**

Mr. MARTINEZ. Thank you.

Mr. Cole, Ranking Member McCollum, members of the subcommittee, my name is David Martinez. I am the President of the Ramah Navajo School Board. My community is away from the main Navajo tribe. We are geographically separate. So some of the issues I am bringing before you today aren't really normally under education.

When we started our school back in 1969, 1970, we had to build all the infrastructure also. So the Ramah Navajo School Board ends up running a health center, a school, and various ancillary programs. So what we are having trouble with now are our water system. We have a bunch of pipes, asbestos, cast iron, and PVC pipes that have been degrading throughout the years. Some of it is due to erosion. They get exposed to the above the frost line, so they freeze in the winter, and there is also traffic, vehicle traffic, that goes on the roads, and they end up cracking, so we have to end up repairing the roads also.

So, for that, we are asking for funding in cooperation with his in the amount of about \$4.6 million to redesign our water system.

Our main, largest expense, would be asking for \$13 million to connect the Ramah Navajo School Board's water system to the Gallup Junction Lateral Waterline Project, which is being done in conjunction with the U.S. Department of Interior. I believe they are headed down from Gallup to—I think it terminates in Bread Springs, which is about 43 miles from our location. So we would like to run it in cooperation with the Zuni tribe, through the Zuni tribe to our land, so we can have that water source, permanent water source.

Currently, what we have is the 3,000-foot deep aquifer that we drill down to. We have two main pumps. One of them is contaminated with heavy metal deposits, and a lot of those heavy metal deposits have been corroding our cast iron pipes, which have a life of between 50 to 70 years, but it has been 42 years, and they have been heavily corroded, and that is part of the reason we are getting water failures.

Our last request was to get on to the redesign, renovation, and upgrading our buildings. We had submitted our application. I am not sure if we completed it fully. At the time, our main concern was just dilapidated buildings, 42 years' worth of buildings damage and wear and tear.

Since then, in November, though, we discovered black mold in our library. Fortunately, it wasn't airborne, so we just sealed off

the library, moved all the books over to our building that was renovated in 2011 so that our library is now packed into a classroom. And then we also found black mold in our kindergarten. So we moved the kindergarten students also into the elementary, which had black mold previously, and that was addressed. It was completely gutted and refurbished. But what we have now is crowding in the elementary while we try to address those two problems.

So what we are trying to ask for is money in the amount of \$10 million for—to get on to the select replacement school construction list or \$10 million to replace it outright on our own through contracts for the library and for the kindergarten building, which are currently unoccupied.

And I would like to thank you for your time.

[The statement of Mr. Phelps follows:]

**Written Testimony of David Martinez, Jr., President  
Ramah Navajo School Board, Inc.  
Submitted to the US Congress:  
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL  
AND RELATED AGENCIES  
FY 2016 FEDERAL BUDGET REQUEST, SUPPORT AND CONCERNS FOR:  
DEPARTMENT OF INTERIOR (DOI)--BUREAU OF INDIAN AFFAIRS (BIA)**

**March 14, 2016**

Mr. Chairman and Members of the Subcommittee:

**Request Summary:** My name is David Martinez, Jr., President of the Ramah Navajo School Board, Inc., (RNSB). I am here today to request funding to address the education and health needs of the residents of the Ramah Navajo Reservation in Cibola County, at Pine Hill, New Mexico. Specifically, Ramah request the following:

- (1) For \$13 million to Connect RNSB to the Gallup Junction Lateral Waterline Project.
- (2) For Funding from IHS in the amount of \$4.6 million to Redesign the RNSB's Water & Sewer System.
- (3) A Directive to the BIE to include RNSB on the Selected Replacement School Construction List or \$10 million for Replacement of Ramah Navajo's Library and Kindergarten buildings.

**Background:** The Ramah Band of Navajos is a small rural community of 3,500 people located in the Northwest region of New Mexico spread across 250 sq miles. It is geographically separated from the main Navajo Nation Reservation. Our community is located on a dry plateau area over 7,300 feet high.

It was only in the late 1960s when the Gallup McKinley County Public School in New Mexico refused to rebuild a local public school that was condemned and closed, resulting in having the Ramah Navajo people send their children away from their community to other public schools and to boarding schools, some of which were located out-of-State and their children were only able to come home once or twice a year. It was then that the Ramah Navajo community through their local government established the Ramah Navajo School Board, Inc., as a nonprofit organization under New Mexico State law and obtained its 501(c) 3 IRS status. The founding School Board members then traveled to Washington, DC and New York City to lobby Congress and Foundations to raise money for their own community controlled school. When they were successful, it was this effort and others that eventually led Congress to pass the now historic Public Law 93-638 "Indian Self Determination and Education Assistance Act" of 1975 (ISDEA). RNSB has since become the first Indian community to also operate its own Indian Health Service health center, and the first Indian community to have its own radio station, sorely needed in our early days when paved roads were non-existent and few people had phones in their remote homes. RNSB is now known throughout Indian Country as a leader in Indian self-determination.

It is important to note that RNSB not only governs its K-12 School, but has many other programs that provide vital public services for the Ramah Navajo Community. In this dual capacity, the

Board shares responsibilities with the Ramah Navajo Chapter (a political sub-unit of the Navajo Nation) in providing most major services to the Community by contracting federal and state programs. During its 45-years of operation, the School Board has established four divisions within RNSB consisting of over 215 employees in our Education, Health, Community Services and Administrative Services Divisions.

***Request No. 1.: For \$13 million to Connect the Ramah Navajo School Board, Inc. to the Gallup Junction Lateral Waterline Project.***

The RNSB does not have access to lakes, rivers, streams, nor dams to supply water to its school, health clinic, fire station, and 300 community and staff housing units. It is dependent on a single 3,000 foot deep aquifer that has dropped over time. However, the Bureau of Reclamation and the Department of Interior among others are funding the Gallup Rural Navajo Water Supply Project which will supply water from the Eastern Cutter Dam through the city of Gallup down to Bread Springs, New Mexico. This Gallup Junction Lateral Waterline will supply Bread Springs which is located within 49 miles of RNSB. We are seeking funding to connect to this southern leg of the Gallup Junction Lateral to ensure a long-term supply, treatment and transmission of water to our tribal school.

The Bread Springs phase of the Gallup Junction Lateral Waterline Project is scheduled to begin in May 2017. We are seeking funding for needed design in connecting to this water line as well as construction and engineering cost estimated at \$13 million.

***Request No. 2.: For IHS to fund \$4.6 million for Redesign, Renovation and Upgrade of the Pine Hill School Campus Failing Public Water System***

Most of our water facilities were constructed when the school was built in the early 1970's. Today our community struggles with as many as 10 waterline breaks and outages per year caused by corrosion, rust, joint failure, poor design and pump failure. The system contains 18 miles of waterlines made up of approximately 4 miles of cast iron pipes, 2 miles of asbestos and 12 miles of PVC. The 4 miles of cast iron pipes are now 44 years old into their 50 to 60 year life expectancy but began failing as much as 4 times per year 6 years ago. The pipe is observed to have considerable amounts of rust and corrosion caused by hard waters and heavy metals found in our water supply. The asbestos line has broken 3 times in the past 2 years caused by poor design where the piping is not properly bedded. However, the 12 miles of PVC fails the most often at 3 to 4 times per year due to joint failure and improper bedding.

To worsen matters, this waterline system runs most frequently beneath the few paved roads located in our community. In 90% of repairs, paved roads must be destroyed to access the break points at considerable expense to the RNSB. Necessarily, these once paved roads are now sites of pot holes the size of large trucks. The cost of line repairs along with repaving road cost is insurmountable for our community school without a tax base.

Moreover the RNSB's water line system operates under a single water shut-off valve. Therefore, when repairs are made on the line the entire water line system must be shut off. This leaves critical services such as the school, EMS, volunteer fire station and the health clinic (which is the only healthcare provider within 40 miles) without water, forcing their closing until repairs are

completed. In 2013 water was shut off for 15 consecutive days requiring water tankers to haul water to the community and portable toilets to be placed on street corners. In 2014 three separate occasions of water line breaks caused the water to be shut off for a total of 9 days. Already in 2016 we have experienced another water line break which again required portable toilets to be placed on street corners to service over 1,000 residents. A much needed system redesign would eliminate these required system wide shut downs.

Additionally, the Pine Hill School Campus Public Water System has two wells with one off-line due to unsafe levels of arsenic, iron, lead, uranium and other heavy metals. A near-by off campus well is the only other water source for this area. The pumps for both operational wells are overworked to keep up with the demand. To safeguard against long-term water outages, our operating (as well as off-line) wells require an upgraded water treatment facility to reduce amounts of heavy metals to stay within U.S. EPA acceptable levels. Finally, to develop a well rounded public water system, we require a monitoring system to check the piping, wells, valves, and water treatment levels as well as an additional 250,000 gallon water holding tank to store treated water.

To begin planning the water system redesign, renovation and upgrade we would develop a Preliminary Engineering Report that would describe our existing facilities along with a description of the issues being addressed by the proposed project. It will also identify alternatives, present a life cycle cost analysis of technically feasible alternatives and propose a specific course of action. The Preliminary Engineering Report will also include a detailed current cost estimate of recommended alternatives.

We calculate the following project costs:

1. Preliminary Engineering Report	\$ 318,140
2. Final Preliminary Engineering Report	\$ 165,000
3. Upgraded Water Treatment Facility	\$ 447,000
4. 250,000 Gallon Welded Tank	\$ 400,000
5. Est. New Water Lines (18 mi./95,040ft x\$30)	\$ 2,851,200
6. Street Repairs (1.5 mi./7,920 x \$50)	<u>\$ 396,000</u>
Total:	<u>\$4,577,340</u>

We are requesting that Congress approve funding in the amount of \$4,577,340 under the 2017 federal budget to perform a *Preliminary Engineering Report* leading to the ***Redesign, Renovation and Upgrade of the Pine Hill School Campus Failing Public Water System*** that provides water to 2,000 community members as well as the K-12 school, medical clinic, EMS and volunteer fire station.

***Request No. 3: A Directive to the BIE to include RNSB on the Selected Replacement School Construction List or \$10 million for Replacement of Ramah Navajo's Library and Kindergarten buildings.***

Both Pine Hill School's library and kindergarten buildings totaling 32,000 square feet are closed due to *stachybotrys chartarum*. This particularly dangerous form of black mold required a

significant gutting and rebuilding of our elementary school in 2011. The elementary required replacement of interior walls, the roof and interior finishes. We have good reason to believe that similar corrective action would be required. Given the extent of the major renovation needed to bring the building to safe and usable condition, it has been recommend that the building be demolished and a new library and kindergarten building be constructed. In the mean time both buildings have been sealed due to high concentrations of mold in the building. As a result, all of our kindergarten students are housed in other locations. Our library has been divided between classrooms in our elementary and middle school. There is no space for a high school library. However, using this classroom space for library has created overcrowding in the classrooms. We have an emergency need for a new kindergarten and library.

**We therefore urge congress to direct the BIE to include RNSB on the Selected Replacement School Construction List or \$10 million for Replacement of Ramah Navajo's Library and Kindergarten buildings, or alternatively, to BIE to identify funding from the Facilities Improvement and Repair account to immediately redress our critical building deficiencies so that our full school campus can again be utilized.**

On behalf of the Board of Trustees for the Ramah Navajo School Board, Inc., I would like to express our appreciation for your support for our community endeavors that will help us become more self-sufficient. I hope that our testimony will help you better understand the situation of our community as with many other American Indian tribal communities. Thank you for your time.

Respectfully Submitted.

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 Ramah Navajo School Board, Inc.  
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 Pine Hill, New Mexico 87357  
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Mr. COLE. Thank you for finishing ahead of time. You are a very rare witness.

If we can, Mr. Phelps, let me start with you, because this is an area where we have put additional resources and are trying to get to the right place.

When did ONHIR last provide funding for the Navajo Legal Services?

Mr. PHELPS. 2011.

Mr. COLE. So it has been that long. Why did you stop providing the funding?

Mr. PHELPS. That, I don't know. We have been funding it 100 percent since then.

Mr. COLE. Okay. And has Navajo Legal Services been able to keep up with the faster pace that the additional money has meant? Hopefully, we are bringing these cases to conclusion a little bit quicker than we used to.

Mr. PHELPS. Well, I think the appeals process, you know, is very unpredictable. You know, even after ONHIR closes, we know that we are going to still have to deal with 6 years of those that need to be appealed, and, you know, there is time that will still need to play itself out. But as far as projecting how many will actually be done and appealed, I think ONHIR, based on the last report by OIT, what they said is they have already scheduled all the appeals out.

So I guess that is good. You know, that is good that they planned it out, but what happens as to each appeal, we don't know.

Mr. COLE. Well, we don't, neither, obviously. And we were wrestling with that very issue in this committee not too long ago, trying to figure out exactly who would be obligated to take care of a settlement on appeal after ONHIR was phased out, because hopefully, the projects have all been completed at some point.

But you are satisfied that the Legal Services end of it has been able to keep up; it is just the unpredictability of the process itself?

Mr. PHELPS. I believe so, yes.

Mr. COLE. Okay.

Mr. PHELPS. There is a need for a little higher level of expertise, though, because I think what they are funding is just a court advocate.

Mr. COLE. Okay. Very, very good. Thank you very much. Very helpful.

Ms. McCollum.

Ms. MCCOLLUM. No. Thank you for bringing to light the schools, and the full testimony that you two gentlemen have is absolutely fabulous, the way you broke everything down. So thank you. It is very succinct. Thank you.

Mr. COLE. Well, gentlemen, thank you very much for your testimony. Thank you for traveling all this distance. It is very helpful to us. And, again, once more, thank you so much for the hospitality when we had the opportunity to visit. It was truly a splendid trip for all of us. Thank you.

If we could, we will move to our last panel. Ms. BlueEyes, Ms. Nez, Mr. Chavez, and is it Ms. Acuna?

Well, it is great to have all of you here. And thank you for coming such great distances from New Mexico and Arizona to be here

today, very, very helpful to us, and we are delighted that you are here.

If we can, Ms. Nez, we will start with you, and then we will just kind of work through, if that is okay, and then we will move to questions.

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FRIDAY, MARCH 18, 2016.

## **DINÉ BI OLTA SCHOOL BOARD ASSOCIATION**

### **WITNESS**

**ANGELA BARNEY NEZ, EXECUTIVE DIRECTOR, DINÉ BI OLTA SCHOOL BOARD ASSOCIATION**

Ms. NEZ. Thank you, Mr. Chairman. My name is Angela Barney Nez. I am here from Window Rock, Arizona, on behalf of the Navajo Olta School Board Association, which is the Navajo Nation's established organization to represent 66 school boards on the Navajo Nation, all funded and operated through the Bureau of Indian Affairs Indian Education.

And I would like to just add, too, that I am from the mountain area, called Ch'ooshgai Mountain and Narrow Creek, To Ts' osi. And it is in the New Mexico border area, and a lot of our students come from the mountainous area there, too, so I just wanted to make that point, because that is where I am from.

My sister is here, Agnes Barney. I am here with my sister. She is a retired contracting officer for Indian affairs.

Mr. COLE. Where?

Ms. NEZ. She is back there.

Mr. COLE. Hi.

Ms. BARNEY. Hi.

Ms. NEZ. And also my husband, David Nez. He is a retired Army veteran for 25 years with the Army 82nd Airborne. He is right here with me too.

Mr. COLE. Thank you for your service.

Ms. NEZ. And my nephew.

I wanted to thank you for the fiscal year 2016 appropriations and also going into the fiscal year 2017 increases to hold the line that we have worked so hard for in fiscal year 2016. I really appreciate the continuing efforts to fund Indian education and the related services that we have for our students.

We see the increases as a commitment to Indian self-determination. We have several layers of self-determination that we are working at in our school boards at the local level. You have heard from our central government just right before this panel, and we appreciate their support.

You have heard the emphasis on the Indian School Equalization formula, the ISEP, which is the base funding for our schools. We would like to maintain the level. Right now, it is still at 2010, and we appreciate the increases there that are listed for the \$6.5 million. And, also, I would also like to talk about a couple of things. Although there is a four-page testimony that I sent to you, I have a whole lot to say to you, Mr. Chair, members of the committee, that regards the BIE reorganization. And before I go there, I would like to emphasize that in school construction, we did make the 33

schools on the priority listing that came from the negotiated rule-making recommendations. And we are working on Navajo—for Navajo schools a specific 10-year plan to introduce more of the needs of those facility index conditions that are spelled out to define poor schools, and we are in that process. But in that process, also, is employee quarters, which is always at the end of the list for school construction.

The priority that the Bureau has is to fund construction for classroom purposes, and it causes the employee quarters to fall at the tail end of the list on that.

So we would like to encourage more emphasis on employee quarters, though we appreciate the \$7.5 million increase in that category this year.

Regarding the BIE program management, I would like to cite a couple of notations, Mr. Chair, if I may. These are the concerns that we have in terms of program management under BIE. U.S. Code 2006, U.S. Code 2009, U.S. Code 2001, and those are U.S. Code statutory requirements that govern the BIE-operated school management. And in the reorganization that was approved on condition last year, we find that the implementation process violates these sections, and we wanted to bring to your attention that, in the fiscal year 2017 budget, regarding program enhancement availabilities here, we want to have very clear and transparent operations from the BIE in terms of the accountability process. While they are trying to do program enhancement, we feel that the ultimate goal needs to be capacity building. So we wrote a few comments here about how we would like to see more clarity in that area.

The other area I wanted to talk about is the program management aspect, which is under the U.S. Code 2006 that I mentioned.

In that law, it is the Assistant Secretary's duty to carry out functions through the Director of the BIE, and it states the Director shall direct and supervise the programs directly and substantially be involved in the provision of education program services by the Bureau, including schools, institutional, custodial management, personnel, all of the personnel contracting procurement and finance connected with school operations.

We feel that if the Bureau followed this law, there would be clear definition as to who is supposed to do what regarding facilities and also the education programs.

Also, we believe that there should be—if the law were to be followed, there would be no—everything would be clear, and the GAO recommendations would be aligned, would be followed.

So I wanted to bring that to your attention, because we are on the ground at the school level. We see where the principals need to be supervised, and we need to know who is supervising them, and we need to know how well are they doing so that we can either keep them or move them along. So that is the problems that we are seeing in terms of some confusion in the BIE management system.

Regarding budget analysis—

Mr. COLE. Again, we are going to need to wrap it up fairly quick.

Ms. NEZ. Oh, gosh. Oh, gosh, Chairman, I have so many things to say.

Mr. COLE. Well, the complete written testimony will be in the record, will be reviewed.

Ms. NEZ. Yes. And I will be forwarding more with Mr. Benjamin.

Mr. COLE. That would be great.

Ms. NEZ. Thank you.

[The statement of Ms. Nez follows:]



DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.

## DBOSBA

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### DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC. Position Statement on the Proposed FY 2017 Federal Budget March 18, 2016

Greetings Honorable Members of the House Sub-Committee on Interior Appropriations, My Name is Angela Barney Nez. I serve as the Executive Director of the Diné Bi Olta School Board Association, Inc. (DBOSBA). Pursuant to Navajo Nation Code 10§301 et.seq. the Navajo Nation established the DBOSBA organization as the only school board association recognized by the Navajo Nation to represent local community school boards to address the views and situations of community controlled schools operated and funded by the Bureau of Indian Education. There are currently 66 federally funded schools on the Navajo Nation, 34 of which are operated by a grant or contract under P.L. 93-638 or P.L. 100-297 as amended.

#### **The Proposed FY 2017 Budget Increases**

The FY 2017 budget proposal by the Department of the Interior for BIE Education looks reasonably good when viewed in conjunction with the FY 2016 final appropriations. DBOSBA hereby submits its position on the FY 2017 Budget Request and also provides input and guidance on the overall direction of the BIE Education System going forward.

- **Commitment to Self-determination** - DBOSBA strongly supports the Administration's commitment to self-determination, particularly the proposal to continue funding 100% of the Administrative Cost Grants (\$2.1 million increase). We also support continuation of full funding for the Tribal Education Departments in 2017, but would point out that the authorized level should be increased beyond the current \$2 million level. In addition, the BIE should base the amount of awards on the size of the tribe being awarded. Due to the number of BIE funded schools on Navajo, the planning effort is much greater than tribes with only a handful of schools. On Navajo, in spite of tribal authorization to establish a true educational system, a lack of funding continues to hamper the development activity.
- **Indian School Equalization Program (ISEP)** - DBOSBA supports an increase in this line item for the basic instructional program of BIE funded schools. However, the amount of \$6.5 million seems a very minimal amount, particularly since there was only a minimal increase for ISEP in the FY 2016 budget. The ISEP formula funding is only now getting back to the FY 2010 level. We would like to see an estimate of the funding needed to meet the DOD teacher pay requirement compared to the proposed overall increase. After the DOD pay requirement is met, we expect the increase is very small.
- **Facilities O & M** - DBOSBA strongly supports the increase in Facilities O & M of \$6 million. Combined with the significant increase in FY 2016, this is greatly appreciated and will reduce the problem of schools having to divert instructional dollars to "keep the lights on." The

## EXHIBIT "A" DBOSBA-16-02-002

failure through the years to adequately fund these line items results in minor problems evolving into major repairs.

- **Education Program Enhancements** – The BIE has requested an increase of \$2 million in this program. It is unfortunately not always clear how this funding is used and whether it has been effective. In the past, it appears that large contracts were given to education assistance companies that were springing up in response to the unrealistic demands of NCLBA. The FY2016 budget justification states that the funding would be used for “*capacity building*” for tribal departments of education as well as a discretionary fund to “*drive reforms and spur innovations in the 126 tribally controlled schools operating on 64 reservations.*” Since FY 2008, more than \$100 million has been appropriated for this program. The justifications for the program have been rather vague and the results seem minimal. If indeed this funding is requested for capacity building for tribal education departments, there should be a fair and transparent process established by which the tribes can apply for such funding. Consistent with the opportunity to waive the current accountability plan of the BIE under the new ESSA, and develop its own accountability standards; the Navajo Nation has been developing its own unique option and will need additional funding for implementation of the various functions involved.

- **School Transportation** – DBOSBA strongly supports the \$4 million increase in transportation. Most schools agree that the funding provided historically via this line item has been inadequate to cover the full cost of the transportation program. This shortfall means that the schools must take funding out of their instructional programs just to get the students to school. More actual data seems to be needed to identify the extent of the shortfall.

- **Broadband and IT enhancement** - DBOSBA strongly supports the \$16.8 million for bringing Broadband and digital access to all Bureau schools. BIE received only a \$2.0 million increase for information technology in the FY 2016 appropriations, far less than the \$34 million increase proposed. While this proposal for FY 2017 is not as substantial as the request made in FY 2016, the funding would have a very significant impact on the access and use of technology in the Navajo classrooms. A great many innovative teaching techniques and materials, now including testing materials; are based on digital platforms and cannot be used without such access.

- **BIE school construction** – DBOSBA supports the continuation of the FY 2016 school construction funding level in the FY 2017 budget (\$138 million) but with an increase of \$7.5 million for Employee Housing. We wish to underscore the growing problem of inadequate teacher/staff housing at many school sites and believe that Employee Housing Repair needs special attention. The lack of adequate housing for staff is a significant factor in teacher turnover in our schools. DBOSBA strongly supports the appropriation committees’ suggestion that the Bureau “*model its efforts on the process used by the Department of Defense (DOD).*”

- **Early Childhood and Family Development** – DBOSBA supports the increase of \$4 million for the FACE program. We believe that this program is successful in strengthening Navajo families and student readiness for school. Along with the appropriations committees, we look forward to the release of the 2013-2014 Study and internal review of the program.

- **BIE Education Program Management** – The FY 2017 budget requests \$8.0 million “to further establish a School Operations Division...” DBOSBA supports this request if this funding will be used to finally implement 25 USC 2006 (a) and (b) that vests all education functions in the AS -IA and then states that the AS - IA will “*carry out such functions through the Director of the Office of Indian Education Programs.*” (Now known as BIE) In paragraph (b)(1), it states that “*The Director shall direct and supervise the operations of all personnel directly and*

*substantially involved in the provision of education program services by the Bureau, including school or institution custodial or maintenance personnel, and personnel responsible for contracting, procurement and finance connected with school operation programs."* True implementation of this statute would almost certainly involve a transfer of functions, personnel, and funding, from the BIA to the BIE as well as provide new funding for BIE. Paragraph (b) (2) requires the AS –IA *"to coordinate the transfer of functions relating to procurements for, contracts of, operation of, and maintenance of schools and other support functions to the Director."* DBOSBA believes there is absolutely no confusion about the meaning of these provisions of the statute! Furthermore, these statutory provisions are consistent with the GAO recommendations.

### **Recommendations for BIE Education System**

- **Budget Analysis Division** – 25 USC 2009 requires that BIE establish a Division of Budget Analysis not later than one year after enactment of NCLBA. It would have been a tremendous help through the years if such a division were in existence and providing the type of information called for in the statute. In addition, 25 USC 2001 (h) requires the Comptroller General to conduct a study *"to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau-funded schools..."* The long standing failure of the Bureau to implement these provisions has created a void of information where it has become increasingly difficult to justify funding based upon objective data. As part of the reform measures called for by the appropriation committees, DBOSBA believes these two statutory mandates should be specifically mentioned for implementation.
- **BIE Reorganization** - DBOSBA has actively opposed portions of the BIE reorganization. The problem has been that the Department has treated the existing statute as though it is somehow optional and proceeded to ignore the structure of the system mandated in the statute. The Department has received a conditional approval of its reorganization contingent on its consistency with the GAO Report 13-774. The Committee Report states: *"As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13-774, the Secretary is urged to reorganize Indian affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the fiscal year 2017 budget request..."* Specifically named are problems related to the *"organizational structure, accountability, finance, health and safety, and ultimately student performance."* The Department's original reorganization plan ignored the GAO report, as well as the applicable statute (25 USC 2006). DBOSBA believes that going forward with the Department's original reorganization plan does not address the GAO's recommendations, is not in compliance with applicable statutes, and would make matters worse in the field. Our reading of the FY 2017 budget justification leaves questions concerning the BIE's compliance with the appropriation committees' determination. (See comments on Education Program management above) We have submitted written testimony/correspondence on numerous occasions to no avail. We now urge the appropriations committees to review this matter carefully.

- **Relationship with Department of Education**

**Shift to Department of Defense (DOD) budget model**

As the Committee is aware, the Department of the Interior has been involved with developing a major initiative for BIE Education. One of the suggested options that came out of those discussions/consultations was an idea to utilize the Department of Defense budget model as it relates to the flow through funding from the Department of Education. Currently the BIE receives about \$200 million from the Department of Education via a set aside in the authorizing legislation (now ESSA). Conversely, the Department of Defense Education System, receives its total funding *through its own DOD appropriation*. It is therefore free to develop its educational program to meet the special needs of the students it serves. This is a fundamental difference between the two education systems operated by the Federal government. In our estimation, there is no question that the Department of Defense model is superior to the Bureau of Indian Education model.

Memoranda of agreement have been reached through the years whereby the BIE is supposed to function as an SEA (State Education Agency) in order to receive the Department of Education funds and administer the various programs to the LEAs (Local Education Agencies). Rather than work with tribes and local BIE funded schools in designing its curriculum and ensuring that the needs of its students are met, the Bureau is forced to comply with Department of Education rules devised for the states.

Following the passage of NCLB, these rules and procedures became much more detrimental to BIE school programs. The Bureau began neglecting its own statutory authorizations in favor of its clearer SEA role as the enforcer of NCLB rules. The result was that the BIE Education System, set up to meet the special needs of Indian children, was forced instead to try to set up the same education system that was in the process of failing in most of the rest of the country. Of course, the failures in Indian country have been more significant since the BIE was ignoring the very principles that have been developed through the years based on numerous studies and years of experience. Increases in BIE funding were funneled into NCLB implementation. Genuine initiatives toward self-determination, including at least two on Navajo, were squelched due to lack of funding.

We believe that it is time for a major change in the structure. We recommend that the BIE set aside funding from the Department of Education in ESSA be transferred to the Interior Budget for BIE. The BIE should then be required to have substantive consultations with the tribes, school staff and BIE funded school boards to further develop a unique education system, based on self-determination and deemed to be the most beneficial and effective for Indian youth. We believe that this change would require a statutory change and were disappointed that the new ESSA did not deal in any substantial way with Indian Education. We believe the statutory change to be minor but believe the benefits could be significant.

We thank you for the opportunity to testify.

Mr. COLE. Sure. Thank you very much.  
If we can, then, we will move to Ms. BlueEyes.

FRIDAY, MARCH 18, 2016.

**DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL**

**WITNESS**

**FAY BLUEEYES, ASSISTANT EXECUTIVE DIRECTOR, DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL**

Ms. BLUEEYES. Thank you for the opportunity to submit testimony on behalf of the Dzilth-Na-O-Dith-Hle School. We are located 2 hours north of Albuquerque, New Mexico. We recommend to protect school funding from the proposed Federal bureaucratic expansion, increased ISEP funding to \$431 million in fiscal year 2017, fund student transportation at \$73 million, and BIA road maintenance at \$40 million, continue to fully fund tribal grant support costs, provide \$85 million for facilities operation and \$76 million for facilities maintenance, embark on a comprehensive plan for school replacement and upkeep.

Our schools need full funding for our facilities operation and maintenance. We do the best we can at our schools to address the many kinds of maintenance problems and issues at our schools that we have to face every day.

Our O&M funding at our school for last year was funded at 49.395 percent. What that means is with a square footage of 92,795, our O&M funds was—need at 100 percent was \$833,976, and since we only got 49.395 of that, we only received \$411,942. There is a—that is a shortage of \$322,034, yet, we still have to pay full costs for utilities and all operation and maintenance expenses.

In addition to these costs, we are now dealing with environmental management systems that require staff to keep up with the required reporting. We are required to have inspections of our sewer lagoons, the water tanks, boiler inspections, backflow preventions, bleacher inspections, et cetera. These inspectors have to be certified, and we do not receive the extra funds for such inspections. We consider some of these requirements as unfunded mandates and need extra funds in order to be in compliance.

We request that funding for facilities operation and maintenance be increased to \$85 million for operations and \$76 million for maintenance. This will help us meet our ongoing needs and set us on the path to catching up with the backlogs.

The operation of our facilities is an important one, not only for the comfort of our students but one that affects their health and safety.

New school construction. We appreciate that committee members acknowledge that our school facilities are in deplorable conditions and that they must be replaced. We are very grateful for the substantial increase that this subcommittee provided for education construction in fiscal year 2016. In 2015, our school, we were very excited to make it to the top 10 lists, and we presented before the school replacement panel on February 3. As of today, we have yet to hear if we made it to the top five.

We support the administration's request for consistent funding for education construction. Our school goal is to make a difference in the educational progress of our students, and we believe that all of our students are capable of achieving academic success despite the challenges our BIE-funded schools face, the parts tests that we are now required to take shows that the BIE-funded schools in Navajo are doing really well.

When you look at this chart, the purple is the national averages; the yellow is New Mexico; the pink is BIE-funded schools; the blue is our school. So if you look at the Bureau-funded, we are neck to neck with the State of New Mexico. So we are really doing well there, and we are very proud of our students.

Just think what we could accomplish if our students didn't have to deal with facility issues. If they didn't have to sit there trying to learn and having to smell the sewer lines or with no electricity, no Internet, and the list is just endless. But somehow our students are doing okay. Thank you.

[The statement of Ms. BlueEyes follows:]

**Written Testimony of Ervin Chavez, School Board President &  
Faye BlueEyes, Assistant Executive Director  
DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)**

**Before the**

**United States House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

**Regarding the FY 2017 Indian Affairs Budget**

March 18, 2016

Thank you for the opportunity to submit testimony on behalf of the Dzilth-Na-O-Dith-Hle Community School (DCGS) on the Navajo Reservation in Bloomfield, New Mexico. Our school, which has been in continuous service since 1968, operates a K-8 educational program and a dormitory program for students in grades 1-12, serving around 250 students in both programs. DCGS is a tribally controlled grant school is located approximately 170 miles northwest of Albuquerque. DCGS is primarily funded through appropriations received from the BIE, and pass-through funding from the Department of Education.

Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. The DCGS goal is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. In fact, despite the challenges I will describe, we are meeting or exceeding our peer-schools in the BIE and NM systems, and sometimes eclipsing national scores. I have included a chart on Page 4 showing the results of the new test in New Mexico. Yet, we struggle with underfunding of practically every one of our educational and related programs that impacts our ability to fully meet our school goals and our ability to successfully operate our programs under the Indian Self-Determination policy—think of what we could do without the worries we face. Funding increases are desperately needed and are having a significant impact. Thank You.

Our recommendations can be summarized as follows:

- Protect school funding from the proposed federal bureaucratic expansion.
- Increase ISEP funding to \$431 million in FY 2017.
- Fund Student Transportation at \$73 million, and BIA Road Maintenance at \$40 million.
- Continue to fully fund Tribal Grant Support Costs.
- Provide \$85 million for facilities operation and \$76 million for facilities maintenance (full funding).
- Embark on a comprehensive 60-year plan for school replacement and upkeep.

### **1. Protecting School Funding and Programs from Federal Expansion**

You have heard over the last year from us and other schools about our concerns with the BIE's "Blueprint for Reform." We do not doubt the Administration's commitment to high quality

education for Indian students. The Administration's focus, along with the strong commitment of this Subcommittee signal that we have entered a new era for Indian education. However, coming from the local reservation community, we have a different perspective on what will be the best strategies to use to reach the goals of improvement. We continue to have concerns about centralization of authority at the BIE headquarters, instead of leaving that power at the local level as Congress intended and required by enacting the Tribally Controlled Schools Act. We ask that this Committee and your colleagues continue to engage Tribal Schools with concerns over the BIE reorganization and exercise appropriate oversight as it had done this last year.

## **2. Increase Funding for Indian School Equalization Programs**

The most critical stream of funding for community grant schools like ours is increased funding in the Indian School Equalization Program (ISEP). The ISEP funds are those that schools use for the day to day operation, whether that is paying teachers and staff, purchasing curriculum and supplies, or running student programs. In years past, our ISEP funds were put under pressure by unfunded needs elsewhere in our schools, which could be paying utilities or repairing one of our school buses. This year, we are grateful to see the Administration has requested \$400.2 million for ISEP funding, an increase of \$6.5 million to the program. However, the need in our schools is much greater. **The National Congress of American Indians has recommended that Congress appropriate \$431 million for ISEP funding, which we think should be this Subcommittee's baseline for funding this budget year.** ISEP is our schools' lifeblood, and we are still struggling to make up for losses in past years.

## **3. Increase funding for Student Transportation**

One of our school's largest challenges is getting our children to school and back home. Maintenance costs for our vehicles are higher than normal for several reasons, including the fact that they travel more miles per day than the average school bus, those miles are often very rough, and the cost of maintaining our buses includes long transport time to garages or parts stores. This is not to mention the cost of fuel to cover those extra miles!

The Administration has requested \$57.2 million for Student Transportation, a \$4 million increase, but that is simply not enough given the challenges of our roads and equipment. **We request at least \$73 million for student transportation in the BIE system.** We also request that this Subcommittee fund BIA Road Maintenance at a sustainable level. **We echo NCAI's recommendation that the Subcommittee appropriate at least \$40 million for road maintenance in FY 2017.** Such funding will enable us to maintain our six school buses, and will protect other funds that would otherwise be used for this purpose.

## **4. We support the Administration's proposal to continue full funding for Tribal Grant Support Costs.**

Tribal Grant Support Costs (TGSC) (formerly known as Administrative Cost Grants) are the BIE analogue to Contract Support Costs, and are necessary for schools like DCGS to operate our schools. Not only do the TGSC funds pay for the administration of the school, but also fund all indirect costs like payroll, accounting, insurance, background checks and other legal, reporting, and recordkeeping requirements. TGSC also enables schools to comply with the increasingly burdensome reporting requirements imposed by BIE or to comply with grant funding.

We are grateful to this Subcommittee for fully funding TGSC in FY 2016. This year, the Administration has proposed to fully fund TGSC, including funding for schools transitioning from BIE-operated status to local control and grant funding. In years past schools had only received, at most, two-thirds of the TGSC needed to cover overhead costs. DCGS welcomes this long overdue change, and applauds this Subcommittee's decision to treat schools' support costs the same as contractors with the BIA and the Indian Health Service. **We support the Administration's proposal that TGSC and startup costs be fully funded at \$75.3 million.**

#### **5. Our schools need full funding for Facilities Operation and Maintenance.**

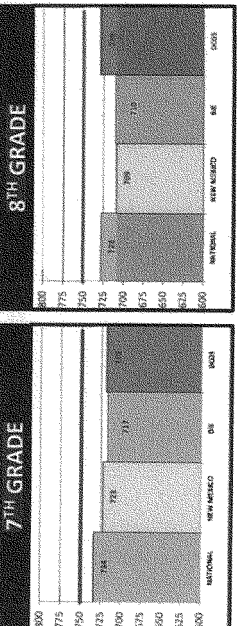
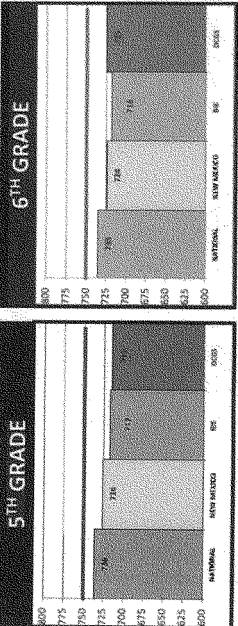
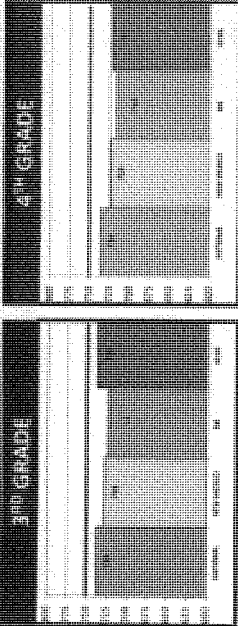
The condition of BIE-funded schools is a national disgrace, and has been the subject of national news attention for years. Some schools in the country are forced to teach their students in converted bus barns or go without hot water. We do the best we can with our facilities at Dzilh-Na-O-Dith-Hle, but constantly struggle with the fact that we do not have enough funding for maintenance of our buildings, utilities, and everyday repairs. The operation of our facilities is an important one, not only for the comfort of our students, but one that affects their health and safety. It is hard to learn and progress if you're too cold, or if you're too hot due to radiator problems. In 2010, the BIA listed our school condition as "poor" with a deferred maintenance backlog of **over \$7.7 million dollars**. Our backlog has only grown since, and our students are the ones who suffer as a result.

We appreciate that the Administration has finally moved to complete the replacement of schools on a list dated from 2004, but we need to stress that these needs are ongoing. **We support the BIE's request for school construction, but request that funding for facilities operation and maintenance be increased to \$85 million for operations and \$76 million for maintenance.**

We are very grateful for the substantial increase that this Subcommittee provided for Education Construction in FY 2016, allowing the 2004 school replacement list to finally be completed. We are pleased to note that the completion of the 2004 list means that a new round of replacements will begin. In 2015, we were overjoyed to make it on to the top ten list and present before the school replacement panel; however, we are still waiting to hear whether we will be one of the five schools chosen. Providing consistent funding for this budget category each fiscal year means that our aging schools can be replaced in an orderly, scheduled fashion. To this end, **we call on the Subcommittee to embark on a 60-year schools replacement plan coupled with adequate funding to maintain buildings throughout their life.** Recent testimony from the Governmental Accountability Office reported that even new construction is starting to fail because of inappropriate maintenance or poor construction oversight. Our schools want to protect the federal investment in our students' education, and we ask the Subcommittee to empower local communities to do so by removing bureaucratic hurdles inherent in the BIE facilities system. As school boards, we are the best decision makers.

Thank you for the opportunity to submit testimony. Please contact me at 505-960-6681 if you have any questions.

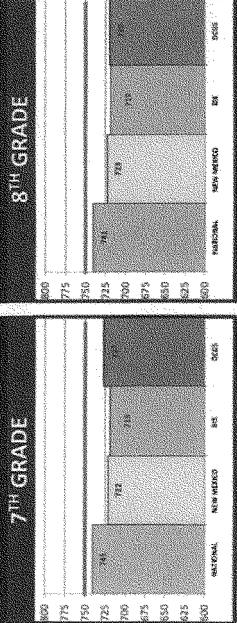
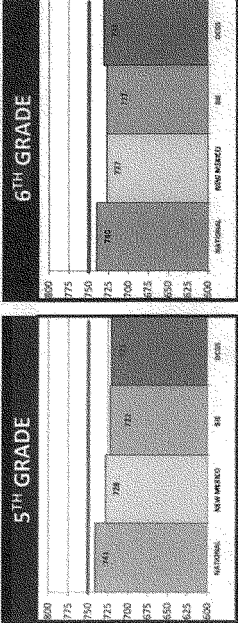
PARCC 2015 RESULTS  
ENGLISH LANGUAGE ARTS



Source: NM PED PARCC Assessment

12/2014-2015

PARCC 2015 RESULTS  
ENGLISH LANGUAGE ARTS



Source: NM PED PARCC Assessment

12/2014-2015

Mr. COLE. Thank you very much for your testimony.  
Mr. Chavez, we will go to you next.

FRIDAY, MARCH 18, 2016.

**ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED  
SCHOOL BOARD, INC.**

**WITNESS**

**JERRY CHAVEZ, VICE PRESIDENT, ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED SCHOOL BOARD, INC.**

Mr. CHAVEZ. Good afternoon, Chairman Cole, Ranking Member Ms. McCollum, and Mr. Benjamin. Thank you for giving us the time to speak on behalf of our Navajo children today.

My name is Jerry Chavez, vice president of the Association of Navajo Community Controlled School Board, better known as ANCCSB.

This is an organization that consists of 11 school board members who operate federally funded schools on the Navajo reservation in New Mexico and Arizona. And I also serve as a board member at To'Hajiilee Community School in New Mexico.

Mr. Chairman and Ranking Member McCollum, members, we face several challenges on the Navajo reservation, and one of those challenges I would like to bring forth is transportation.

We all know and some of the members here today can testify the conditions of the roads on the Navajo reservation. Our buses spend 80 percent of the time driving on unimproved roads, and at times, the roads can be treacherous when we have to deal with bad weather conditions. Another factor is not only we use these buses to transport our children on regular bus routes, but we also do field trips, school activities, and after-school programs that we provide for our Navajo children so they are not only going on bus routes, but they are constantly on the road, which bad road conditions and many road trips, these buses put out, it takes a toll on wear and tear on the buses that they endure.

The cost of providing preventive maintenance and much needed repairs when we have to deal with these factors, you know, they really take a toll on these buses. And, you know, dealing with the road issues when it rains, at times, we have to shut down school early so the buses won't have to go through those road conditions. And those are the factors that we face pretty much almost every day.

We see that the administration has requested \$57.2 million for the student transportation, a \$4 million increase, but that isn't simply enough. Given the challenge we face with road conditions and additional road trips these buses endure, we request at least \$73 million for student transportation in the BIE system. We echo NCIA's recommendation that the subcommittee appropriate at least \$40 million for road maintenance in fiscal year 2017.

This would help with grading roads when we have bad weather conditions; we are able to go out and maybe grade these roads and be able to have these buses go on a little smoother roads rather than real bad rough roads.

We are grateful to the subcommittee for fully funding the tribal grant support costs in fiscal year 2016. This year, the administration has proposed to fully fund TGSC, including funding for schools, transitions from BIE-operated status to local control and grant funding. We support the administration's proposal that TGSC and startup costs be fully funded at \$75.3 million and would like to see the funds be reoccurring every fiscal year. And there will be no shortfall for this funding.

These funds are necessary to operate our local community schools, and not only do funds pay for the administrations for the schools, but it provides for indirect costs, like payroll, accounting, insurance, background checks, recordkeeping requirements. It also enables schools to comply with increasing report requirements imposed by BIE and Navajo Nation with grant funding.

Again, we thank you very much for the time that you have given each and every one of us to speak on behalf of our Navajo children. And thank you for the support of the increase in the tribal grant support cost. Thank you very much.

[The statement of Mr. Chavez follows:]



**"ANCCSB, INC."**

**Association of Navajo Community Controlled School Board, Inc.**

P.O. Box 6 • Pine Hill, New Mexico 87357 • Phone: (505) 363-1781 • Fax: (505) 786-7078

*"A partnership of communities working together to inspire and advocate for excellence in Dine Education"*

Written Testimony of Jerry Chavez, ANCCSB Vice-President

Submitted to

United States House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

Regarding the FY 2017 Indian Affairs Budget

March 18, 2016

The Association of Navajo Community Controlled School Board (ANCCSB), Inc. is an organization of 11 member school boards who operate federally-funded schools on the Navajo Reservation in Arizona and New Mexico under contracts or grants from the Bureau of Indian Education (BIE).

We would like to take the opportunity to thank this Subcommittee for making Indian Education a bi-partisan priority. We are deeply grateful for the substantial increases in funding for Indian Education in Fiscal Years 2015 and 2016. These increases were desperately needed to fund such basic things as text books and student transportation. Providing consistent and adequate funding for core functions means that we as educators and administrators can focus on providing our students with a world class education instead of worrying about how we can afford to heat our classrooms during the winter or whether these classrooms are safe to occupy. Looking at the Administration's request for Fiscal Year 2017, we are grateful to see a commitment to maintain, and in some cases build upon, the gains of the last two years. We highlight below some of the budget categories that directly impact our schools' educational programs, facilities, student transportation, and administrative management.

**Tribal Grant Support Costs**

Since the 1988 Elementary and Secondary Education Act reauthorization, tribally-operated elementary and secondary schools have received funding for the administrative expenses incurred for the operation of BIE-funded schools through an Administrative Cost Grant, now called *Tribal Grant Support Costs* (TGSC). These funds are used for costs of essential services such as contract/grant administration; program planning and development; human resources; insurance; fiscal, procurement, and property management; required annual audits; recordkeeping; and legal, security and other overhead services. *Tribal Grant Support Costs are the tribally-operated schools' Contract Support Costs.*

**Impact.** In FY 2016, Tribal Grant Support Costs were fully funded for the first time. In previous fiscal years when TGSC appropriations had been insufficient to meet the level of need without other sources of funding, we had been forced to re-direct more and more funds from our education program budgets to cover essential administrative costs. Our schools were

forced to make difficult decisions—such as delaying purchase of new textbooks and other materials, paying non-competitive teacher salaries, reducing the number school days—to fit within these reduced budgets. Even with these cost-saving measures, some schools were still struggling with further reductions in management and business-office personnel at the risk of prudent internal controls and meeting the federally-mandated requirements for fiscal processes and operation of education grants/programs. Since TGSC is forward-funded, the FY 2016 appropriation provided TGSC funds for SY 2016-17.

We are grateful that this year the Administration again proposes to follow through on commitments to pay *full* TGSC funding for all BIE-funded schools, and to include in its request sufficient funding for schools that are deciding to transition to grant or contact school status. ANCCSB applauds this Subcommittee's and the Administration's decision to treat schools' support costs the same as contractors with the BIA and the IHS.

**Request.** We fully support the Administration's proposal that TGSC and startup costs be funded at \$75.3 million, and request that this Subcommittee support this level of funding.

### **Facilities Operations and Maintenance**

*Facilities Maintenance* funds are intended to provide for the preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. We are very grateful for the \$7 million increase we saw in this budget category in FY 2016 and encouraged that the FY 2017 request for a \$3 million increase would build upon these gains. This is a marked improvement from years past and while it would not meet all the needs of our schools, it will certainly help.

There are numerous studies which attest to the fact that there is a close correlation between poor or inadequate facility conditions and poor student and staff performance. According to the Administration's FY 2017 request, 55 of the 183 BIE-funded schools and dormitories (one-third) are still rated in "poor" condition in the Bureau's Education Facility Condition Index (FCI). Further, the Administration's FY 2017 request elaborates that there is *\$388.9 million in deferred maintenance backlogs!* It is clear that there is a long way to go with regard to upkeep of our schools. Part of the maintenance problem will be solved by replacing school wholesale, but Federal resources for this crucial need must increase so our schools buildings can make it to their replacement date.

*Facilities Operations* funding is for the ongoing operational necessities such as electricity, heating fuels, custodial services, communications, refuse collection and water and sewer service. This budget category also saw a \$7 million increase in FY 2016 along with a \$3 million requested increase above that for FY 2017. This is another budget category that has been severely underfunded in years past and we are encouraged to see the proposed increase.

**Impact.** Our schools are making every effort to make do with very modest facilities funding. Since we cannot delay paying our utilities or avoid taking actions that would impact student safety, we often have to resort to using our other education or academic program monies. We caution that insufficient funding to for facilities maintenance and operations will mean

delaying routine, as well as unscheduled, maintenance of buildings, equipment, utility systems and grounds—thereby jeopardizing student and staff safety. Attempts to moderate electrical and/or heating costs, or reduce custodial and refuse services and similar costs cutting measures would only make our already compromised learning conditions more uncomfortable and unhealthy for students and staff. If we cannot provide a decent learning environment, how can we expect our students to focus on achieving academic success?

**Request.** The Administration states that the \$59 million requested for Facilities Maintenance and the \$66.2 million requested for Facilities Operations would fund 78 percent of calculated Facilities Operations and Maintenance need across BIE-funded schools. We respectfully ask that the Subcommittee consider funding 100 percent.

### **Student Transportation**

The Student Transportation account is intended to cover: 1) the costs of the daily bus services for children attending the BIE-funded elementary and secondary schools; and 2) air travel for children who attend distant boarding schools. School transportation costs include vehicle rental (buses, vans), maintenance and repair, fuel, and qualified bus driver salaries. The BIE budget justification states that students at BIE-funded schools travel 16% of their miles on unimproved roads, and that the BIE-funded schools have transportation routes where the mileage covered is "significantly higher than in metropolitan areas."

*For the schools located on the Navajo Reservation, the percentage of unimproved roads traveled by our buses is much higher and in some cases it can be as much as 90%. Further, these unpaved roads are often subject to becoming "washboards" due to adverse weather impacts such as mud and snow. At times these roads become impassable so we must resort to using 4-wheel drive vehicles to ferry the students to a waiting bus. There have been times, however, when even the 4-wheel vehicles cannot reach the students so they are prevented from making it to class through no fault of their own. These conditions take a tremendous toll on vehicles, resulting in greater maintenance and repair costs, and greatly increase student travel time as well as the drivers' work day.*

From our experience, the 66 BIE-funded schools on the Navajo Reservation must supplement our Student Transportation allocated amounts by at least \$70,000 to \$100,000 each year. The best estimates show that there is a \$21 million shortfall in funding for Student Transportation as the BIE has allowed funding to fall far behind need, and has been willing to allow schools to poach other school funds for transportation purposes.

**Impact.** As with the other program shortages, varied cost cutting measures have been instituted—from reducing the number of bus routes (resulting in longer rides for our students) to delaying vehicle replacements as long as possible. Nonetheless, underfunding Student Transportation will continue to adversely impact classroom programs since each year schools have no choice but to use scarce education program dollars to subsidize transportation costs.

**Request.** We are relieved to see that the Administration is requesting a \$4 million increase for this critical budget category but we respectfully request that the Subcommittee consider providing at least \$73 million for Student Transportation in the BIE system.

### **Indian School Equalization Program (ISEP) Formula Funds**

The Indian School Equalization Program (ISEP) Formula is the core budget account for Educational and Residential programs of the BIE elementary and secondary schools and dormitories. These funds are used for instructional programs at BIE-funded schools and include salaries of teachers, educational technicians, and principals. The amount provided to each school is determined by a statutorily-mandated formula established by regulation.

During the eight-year period of FY 2003 to FY 2010, the ISEP Formula account increased by almost \$45.5 million; but in only two of those years – FY 2009 and FY 2010 – the increase was actually an increase in program funding. For the other years, the requested increases were limited to amounts needed for fixed costs and related changes, as opposed to actual program increases. Funding for ISEP began to fall in FY 2011, and the FY 2015 level was actually \$5 million less than in FY 2010.

**Impact.** For most BIE-funded schools, the chronic shortfall in the other key school accounts has a negative impact on ISEP Formula funding, because ISEP Formula funds are often diverted to make up the shortfalls in other accounts such as Student Transportation, Facilities, and Tribal Grant Support Costs when a tribe or tribal school board has no other source of funding to satisfy those shortfalls. This means fewer dollars are available for the education. We are tremendously grateful that Congress has increased funding for these critical accounts so ISEP Formula funds can be used for their intended purpose.

**Request.** The Administration's request for a \$6.5 million increase would be very helpful but it still does not acknowledge the shortfalls that have been building for years. ANCCSB Member Schools respectfully request a total of \$431 million for this critical budget category.

### **Education Construction**

We are very grateful for the substantial increase that Congress provided for Education Construction in FY 2016. We are pleased to see that the FY 2017 request would maintain this level of funding. Providing consistent funding for this budget category each fiscal year means that our aging schools can be replaced in an orderly, scheduled fashion.

### **Conclusion**

Thank you Chairman Calvert, Ranking Member McCollum, and Members of this Subcommittee for the opportunity to relay our needs to you.

Questions regarding this document may be directed to: Fernie Yazzie, Executive Director  
 Fernie.Yazzie@yahoo.com Cell: (505) 363-1781

Mr. COLE. Thank you very much. I appreciate the testimony.

Ms. Acuna, you are actually the last witness of the day—really, 2 days, so give us a really great close.

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FRIDAY, MARCH 18, 2016.

## **BLACKWATER COMMUNITY SCHOOL**

### **WITNESS**

**SUZANNE ACUNA, SCHOOL BOARD MEMBER, BLACKWATER COMMUNITY SCHOOL**

Ms. ACUNA. Good afternoon, Mr. Chairman, and members of the committee. My name is Suzanne Acuna. I am a school board member of the Blackwater Community School located on the Gila River Indian community in Arizona. Thank you for this opportunity to testify on the Bureau of Indian Affairs and Bureau of Indian Education fiscal year 2017 budget request. I want to address those sections of the Indian affairs' budget request that we fully support and then discuss those with which we have concerns and recommendations.

First, we fully support the Bureau school construction request for replacement school construction at facilities component replacement. We were one of 10 finalist schools that made a presentation to the selection panel on February 2. Our school is a high-achieving school and has met AYP standards since the No Child Left Behind legislation was passed. Our school was constructed for no more than 100 students, but due to home construction in our attendance area and because we are a school of choice for many parents, our enrollment has grown by more than 85 percent since 2007.

2007, the Bureau of Indian Education conducted a space analysis survey on our school and determined it was overcrowded by more than 13,000 square feet. The Bureau provided us their written findings and stated the school required a multipurpose building as well as other education program space that would include classrooms, cafeteria, and a room for administration. Since that time, we have moved eight portables onto our campus to address increased enrollment with more than 70 percent of our students housed on portables. Our square footage needs has increased to more than 31,000 square feet. The estimate to construct a new school on our campus is approximately \$15 million. We do not understand why we have to wait 8 years to just apply for a new school when the other Federal school system receives funding to construct schools. The Department of Defense school system receives Federal funds to construct one school costing five times the cost of our school. Our Indian children deserve better and deserve to be educated in safe and healthy environments as much as those attending the Department of Defense dependent schools.

We fully support the Bureau's request for facilities improvement and repair as well as a request for tribal grants support costs. We will also support the request to increase the education IT fund that could be used to increase broadband rates. BIE has requested two line items of serious concern. One is the request for \$8 million for education program management, and the other is for an additional \$2 million for education program enhancement.

The purpose of these funds is to staff the Bureau of Education resource centers. The Bureau has gone through numerous reorganizations and hasn't completed the last one they implemented. We believe schools themselves know best what is needed to improve achievement levels, not distant technical assistance centers. If schools were allowed to plan and receive funding locally to improve student achievement for their individual schools, it would save the government money, because schools could procure resources directly that would improve student achievement at their local schools.

It would save the government money for recurring costs for salaries and other overhead to maintain Federal employee staff and office space and move those funds to the local level where they could be used more efficiently. The Bureau has tried numerous times to reorganize with the hope it will improve student achievement. It is time to try another way that, in our opinion, makes more sense and we believe will actually have some promise of improving learning in BIE-funded schools.

We recommend \$5 million of the request for education program enhancement and education program management be placed in the ISEP formula for distribution to the schools.

Finally, we support the budget increase request for early childhood education. For the past 25 years, the Bureau of Indian Education has implemented a high-quality research-based two-generation early childhood program, the Family and Child Education Program. The program includes home visiting, early childhood education for 3- and 4-year-olds, and intensive parenting engagement. The base program is the only program in the BIE that has longitudinal data to prove its effectiveness. The base program currently receives \$289,000 per site that provides funding at approximately \$3,500 per participant. As a comparison, the federally funded Head Start program receives funding at approximately \$10,000 per participant. We request Congress provide funding on par with the Head Start program. To move toward this funding level, we recommend Congress move the other half of the funds requested for education program management and education program enhancement, \$5 million, to base. This will provide each side with \$4,653 per participant. We also recommend the Bureau begin to fund early childhood programs universally at all of its schools and integrate it into the ISEP formula; 39 States, such as Oklahoma and Missouri, already have some form of funding for early childhood education in their schools to include some home visiting. Much is known about the positive effects early childhood education has on the long-term impacts of disadvantaged children. It makes sense educationally and as an economic development strategy. We recommend the Bureau move from its intervention model to a prevention model that includes two-generation early childhood education as a centerpiece.

This concludes my testimony. Thank you.

[The statement of Ms. Acuna follows:]

Good Morning.

My name is Suzanne Acuna. I am a school board member at the Blackwater Community School located on the Gila River Indian Community in Arizona.

Thank you for this opportunity to testify on the Bureau of Indian Education and Bureau of Indian Affairs fiscal year 2017 budget request.

I first want to address those sections of the Indian Affairs FY 2017 budget request that we fully support and then discuss those with which we have concerns and recommendations.

First, we fully support the Bureau's school construction request for Replacement School Construction and Facilities Component Replacement. We were one of schools to apply for new school construction and one of ten finalist schools that made a presentation to the selection panel. Our school was constructed over 70 years ago and through renovation and repair the 70 year-old facility is considered to be in good condition as measured by the Bureau's facility condition index. However because the school was constructed for no more than 100 students in 1939 and given our present enrollment of 253, the facility no longer has the space to provide the core education functions expected of a high achieving school. Our school is a high achieving school and has met the AYP standards since the No Child Legislation was passed. Whereas the facility is considered to be in good condition when using the standards used by the Bureau, it is not in good condition to meet current education standards expected by our parents, community, or tribe. We urge Congress to provide the resources needed to construct new schools not only for schools that have facilities in poor condition as measured by the Facility Condition Index, but also for schools whose facility no longer meets national current education standards set by the state or by Congress. The Bureau requested \$45 million dollars for new school construction. We know the need is much greater than \$45 million but without sufficient planning in place by the Bureau it is difficult to know the real need. As an example, we noted the Bureau submitted a budget request without a list of new priority schools and without submission of Project Data Sheets for FY 2017. The Bureau started the new school construction process early enough to provide sufficient information to Congress, but because of long delays in the review process by Central Office, the Department of the Interior, and Office of Management and Budget, the Bureau was not able to provide more specific information to Congress in this request. We urge Congress to require the Bureau to do a much better job of providing specific information in their Budget request to Congress.

We fully support the Bureau's request for Facilities Improvement and Repair as this is critical to preventing facilities from falling into further disrepair. This account has provided much needed support to our school to improve sections of our 70 year old facility. It is much needed by the more than seventy schools considered to need replacement and will curtail further facility deterioration.

For the Bureau of Indian Education's budget request we strongly support the request for Tribal Grant Support Costs that will fully fund the administrative support costs for schools. For too long tribes and school have operated without sufficient resources to meet the administrative requirements expected by the administration or by Congress.

Not having sufficient administrative support costs can lead to audit issues and without sufficient resources in this account, many schools have to supplement it from other school accounts that are already insufficient.

We also support the increase in Education IT. We noted the request states the budget request will increase broadband rates to schools. Many schools have purchased broadband services from outside providers because the Bureau's broadband is too slow to accomplish the education requirements mandated by the adoption of Common Core standards; increased requirements to provide professional development for staff; and conduct assessments on line. The current broadband service provided by the Bureau is not sufficient and we urge Congress to fund this much-needed request. This will save schools money that is currently used to procure Internet service elsewhere.

The BIE has requested two line items of serious concern. One is a request of an additional \$8 million for Education Program Management and the other for an additional \$2 million for Education Program Enhancements. The purpose of these two line items is to staff the Bureau's Education Resource Centers. The Bureau established an Education Resource Center almost fifty years ago in Albuquerque to improve achievement levels and have initiated other reorganizations over the past forty years that included establishment of the education office in Albuquerque, the second time this has been done, and current locations of the Education Line Offices. The Bureau has gone through numerous reorganizations, some to address budget cuts and others in an attempt to improve education achievement. The last reorganization started by the Bureau was never completed prior to the start of the current reorganization. Reorganization is expensive. The Bureau is on track to spend millions of dollars again on a reorganization effort. While we realize the purpose of the reorganizations has often times been to improve Indian education, we believe schools themselves know best what is needed to improve achievement levels, not bureaucracies. School instructional staff- teachers and principals- are with their students every day and know what is required to improve learning and achievement in their individual schools. If schools were allowed to plan and receive funding locally to improve student achievement for their specific schools, it would save the government money on maintaining federal government staff and recurring costs for on going overhead. Once this reorganization is in place it will cost millions of dollars every year to maintain. The reorganization will result in growing the bureaucracy with little impact on teaching and learning. The nation has been trying to improve achievement levels since 1994 with the initiation of Goals 2000. What has been learned so far is that improvement is made school-by-school, classroom-by-classroom. Schools need resources at their level because school improvement is done school by school. Each school knows what their students require to be successful but don't have sufficient resources to make the needed improvement. We recommend half of the funds requested for Education Program Management and Education Enhancements, five million dollars, be programmed for school improvement efforts that are allocated directly to schools and not to a government bureaucracy.

While we support an increase for ISEP we note it is less than a 3% increase. While inflation is currently low we are in competition with other school districts located close to Phoenix. We must not only match other school's salaries we must do better because

our school is located in a rural area more than forty miles from the Phoenix suburbs. This means teachers must commute to our school eighty to one hundred miles round trip. If we are to recruit and retain high quality staff which is especially critical to rural isolated schools; pay for increased costs for new materials and training to implement the Common Core curriculum and the requirements of the No Child Left Behind legislation, it is critical to have sufficient core funding resources to do so. Our school like others in the Bureau funded education system teaches Native language and culture to all our students. To provide this much needed and critical program we need to pay a full time culture and language teacher. The current ISEP formula does not provide the needed resources to support our language program and a less than 3% increase is not sufficient to maintain high achievement at our school and provide our culture and language program. We are living in a resource-constrained environment and know it is difficult to find other resources to increase ISEP. As discussed previously we recommend this committee move five million of the increased request for Education Program Management and Education Program Enhancements to ISEP. This would allow each school to locally improve their education program as discussed previously and meet our specific education requirement to teach our students their native language and in our case, continue as a high achieving school.

A part of the reorganization effort is to place more responsibility for education with tribes. We believe in local control and self-determination and have been a grant school for over 25 years. The Bureau has requested two million dollars for tribal education departments. If the Bureau wants tribes to be successful they would provide tribes with the means to be successful. Two million dollars is woefully inadequate. When the Bureau initiated self-determination compacts with tribes to assume previously operated non-education functions, they provided tribes with funds used by the Bureau to administer these programs. These administrative funds were commonly referred to as tribal shares. The Bureau of Indian Education wants tribes to assume education functions without adequate resources and expects them to be successful. Tribes can be successful but they need adequate resources. We recommend Congress provide resources for tribal education departments and can start by requiring the Bureau to provide tribal shares now used for the Bureau's administrative functions. This is not part of the Bureau's reorganization effort and while the Bureau has requested funds for its own administrative effort it has not requested funds for tribes.

We support the budget increase request for early childhood education. For the past twenty-five years the Bureau of Indian Education has implemented a high quality research based two-generation early childhood program, the Family and Child Education program. The program includes home visiting, early childhood education for three and four year olds, and intensive parent engagement. The FACE program focuses on children and parents because research shows that early childhood education alone is not sufficient to assure children's education success. It requires the whole family to be involved. The FACE program is the only program in the BIE that has longitudinal data to prove its effectiveness. The FACE programs currently receive \$289,000 for each site that provides funding at approximately \$3,500 per participant. As a comparison the federally funded Head Start program receives funding at approximately \$10,000 per participant

based on a 2014 Head Start fact sheet report. We request Congress stipulate the FACE program receive the same amount of funding as Head Start. To move toward this funding level we recommend Congress move the other half of funds requested for Education Program Management and Education Enhancements, five million dollars, to FACE. This would result in each site receiving \$4,653.00 per participant.

Second, we request Congress require the Bureau to establish an early childhood funding mechanism similar to the Indian School Equalization Program. CFR 25, Part 39 references such a funding formula that was never developed. Thirty-nine (39) states currently provide some access to state funded prekindergarten programs. Florida, Georgia and Oklahoma offer pre-school to all four year olds. Early childhood education is an investment. The latest research examining early education initiatives shows mounting evidence that not only is early education a school readiness strategy or a way of closing the achievement gap, now economic experts from the Minneapolis Reserve Bank and James Heckman of the University of Chicago demonstrate through their research that investments in early education should be considered an economic development strategy. Early education investments yield a return that far exceeds the return on most public projects and yield no less than \$8 for every \$1 invested, and some such as the Perry Pre-School study show a return on investment of \$17 for every \$1 invested. The Bureau of Indian Education uses an intervention model instead of using a prevention model. Their model is based on remediation through Title 1, Special Education, and requested increases to the Education Enhancement and Education Program Management accounts. These are programs that will spend millions of dollars each year to remediate learning problems that could have been addressed and alleviated prior to children coming to school. Remediation models currently adopted by the Bureau are extremely expensive to maintain. Some people liken it to continuously repairing potholes. That work never ends and maintains subpar performance.

Achievement gaps that emerge during the elementary and secondary grades are difficult and expensive to change. Key skills such as motivation, persistence, and self-control are developed early, prior to kindergarten age. We believe the Bureau should invest in early childhood education to prevent problems rather than continue with their current enormously expensive intervention model. Their model has not worked in the past and given more than forty years of experience with reorganization after reorganization that old model will not work in the future. Adopting a prevention model by investing in early childhood education could solve the continuous need to reorganize the Bureau. We recommend the Bureau institutionalize the Early Childhood program in ISEP. This can be accomplished by adding a weighted student unit for early childhood at no less a weight than is used for kindergarten, which has a weight of 1.15. In FY 2017 that would translate to approximately \$6,321 per student. This would provide more resources for the FACE program and institutionalize the program. This is the right thing to do based on the latest research and will result in long term benefits to children, families, and tribes. This concludes my testimony.

Mr. COLE. That was a nice way to end up. I couldn't agree with you more on early childhood. Actually, the subcommittee that I chair funds most of the Head Start and early childhood programs. And we were able, last year, to increase it by over half a billion dollars. It was a very substantial increase and something that was very bipartisan. I mean, everybody worked really hard to do that.

And I am from Oklahoma. I have seen the difference that that makes. It is very difficult in some ways from a Federal standpoint, because when we were supplementing K through 12 or we are doing things for universities, every State has pretty much the same kind of basic system, but early childhood is all over—we have 10 States, as you pointed out in your testimony, that really have no programs at all, don't do a single thing. So Federal Government, through Head Start, is really the biggest de facto or early childhood, which is not what we normally do. It is usually a State and local function, but this is one where we have probably taken more of the lead than anybody else. But it has been, I think, I agree with you, money well spent.

The other point I just want to make, Mr. Chavez, and I think a number of you mentioned the problem with roads. And, boy, we hear that again and again. And this is the product of just decades of neglect in terms of basic infrastructure on so many of these things. You know, in Oklahoma, where we have 39 different tribal nations, they don't have any reservations, and that was not a good thing and particularly in the manner in which my family still owns the last of our allotment land and our tribes can put lands in the trust. But the one good thing about it is, because Indian land became open to everybody, the roads are pretty much the same, broadband access; you have all that basic infrastructure that, frankly, so many of our reservations simply don't have, because the Federal Government never made the promised investments out there. And that is something we can't wave a magic wand and fix overnight. But it is interesting how often it comes up in different contexts. We will talk about law enforcement; well, it takes forever to get there, and we can't send backup. And we will talk about education, as you did, and we will talk about the dangers of moving children over roads or the difficulties that that causes for equipment. And we can go on and on. But there are just certain things people have to have to live to have a decent functioning community, and the Federal Government for generations did not make the promised investments there. And that is the biggest single reason, it seems to me, for the gap between Indian Country and the rest of the country, is the investment wasn't equally shared or spread around.

But we thank you for your good work and very much thank you for your testimony. It is very, very helpful to all of us.

And, with that, let me go to my ranking member.

Ms. MCCOLLUM. Thank you. I know some of you that have been in the room are watching us talk about how we have to find a solution and a way to get a jump start on funding these schools. Sometimes it is a whole campus replacement. Sometimes it is a facility replacement. Sometimes it is just about having the money available so that when you spot something early you can go in and do a repair to save money later on.

You brought up the Department of Defense schools, and three of us on this committee serve on the Defense Appropriations Subcommittee, Mr. Cole and I and the chairman. We were able to get a jump start on replacing the Department of Defense schools, largely because of the way we were funding the Department of Defense at a time that we were in two full-blown wars with recruitment concerns.

Some of the testimony that came through on the Department of Defense schools is very similar to the situations, believe it or not that, that we are seeing in Indian Country. In fact, a tribal member from Poarch Creek that I know went to Department of Defense schools. So he could really attest to that. But we think we are making real progress on the Defense school facility needs now. Now we will have to make sure that we maintain and upkeep.

The committee last year put an increase of over \$100 million into BIE schools and education construction. But we need to get the list of priority schools for replacement, we need to make sure that the inspections are right, and then we need to figure out how to finance it. Right now if we were to put together a proposal of how to finance these schools, it would all count in this year's appropriation, and we don't have that kind of money.

So we have to figure out ways of either doing joint ventures or bonding. We are smart enough to figure this out, and I think there is a real will to do it. But we just can't say that we figured out a bonding mechanism, for example, OMB has to improve it.

So we have to have some discussions. But I want you to know we all feel a great urgency in this. We feel the clock is running and time is running out. We can't lose another generation in these crumbling schools. We can't have another generation looking at their government, the Federal Government, not fulfilling their responsibility and then look at their parents saying: Well, why is it this way?

I want to thank you all for your testimony. I think everybody the past 2 days has done just a fabulous job bringing up your unique solutions for your communities, and at the same time speaking on behalf of a lot of the priorities common across Indian Country that the National Congress of American Indians is pointing out in their budget and resolutions. So thank you very much.

Mr. COLE. Yeah, I do, I want to add, if I may, to Ms. McCollum's point, a couple of years ago we literally weren't getting any new proposals for any new schools. And, I mean, this committee just erupted because we all knew what the backlog and the needs were. And to the administration's credit, they listened to that, and we put additional money in that year beyond what they asked for, and now they are coming back with more aggressive proposals. I think that is a very, very good thing. We will see where we end up, but we are going to do everything we can.

Also, I just want to mention again, we wouldn't have had this hearing if my good friend, Chairman Calvert, we are on a very abbreviated hearing schedule this year, but we thought, as a committee, and my friend Ms. McCollum and I visited with the chairman, that we need these sessions. They are very, very helpful to the committee and building the record and the testimony.

And I want to thank each and every one of you for traveling, in many cases a very long way, to come and give us the benefit of your insight and your experience and your firsthand knowledge of the things we need to get done. There are only two groups of children that we really have a direct responsibility to educate as a Federal Government. One of them are military children, as Ms. McCollum mentioned, and the others are Native American, where there is a special trust responsibility. It normally falls to the State and localities, but the Federal Government needs to be part of that too. We care about every kid in the country.

But we have a unique responsibility to Native Americans and to children on military facilities whose parents are protecting all of us. So as my good friend from Minnesota pointed out, we did a pretty good thing a couple of years ago in terms of those schools. We need to do something like that here where we can recapitalize what has been a chronically underfunded system and do it in a reasonable time period instead of picking away.

I am not sure exactly how we will get there, but we are trying to work through that problem right now. But, again, thank all of you for coming.

This concludes our last of four public witness hearings regarding the fiscal year 2017 budget for the American Indian and Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I want to thank, again, all the distinguished tribal elders and leaders who testified today or who sat in the audience.

Today's hearings are just a start of a dialogue we have come to deeply appreciate and depend upon. Please feel free to reach out to the subcommittee in the days and weeks ahead as we work to address the many valid concerns that we have heard today.

The hearing is adjourned.



# Written Testimony from Individuals and Organizations

FY 2017

HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT  
AND RELATED AGENCIES

## TESTIMONY

of

Millard J. Myers, Executive Director  
1854 Treaty Authority

1854 TREATY AUTHORITY

The 1854 Treaty Authority (Authority) is a tribal organization funded by a P.L. 93-638 contract with the Bureau of Indian Affairs (BIA) under its Trust-Natural Resources Management-Rights Protection Implementation (RPI) budget.

- **The Authority supports the Administration's proposed \$40,161,000 for BIA Rights Protection Implementation (an increase of 2,500,000) and a proportionate share for the Authority. However, while the Authority supports the 2,500,000 increase to RPI funding, we do not agree that the increase should be open to a "competitive proposal-based process" as outlined in the BIA FY17 Justifications (a.k.a. BIA Greenbook), but any increase should be allocated in the same proportions as it has historically been distributed.**
- **The Authority supports the full finding of contract support for its P.L. 93-638, Self-Determination contract at no less than the Administrations proposed \$278,000,000.**
- **The Authority supports maintaining funding for the EPA Great Lakes Restoration budget at least at its current level of \$300,000,000.**

The Authority is a tribal organization responsible for protecting, preserving, and regulating the Treaty-reserved hunting, fishing and gathering rights in the territory ceded to the United States by the Chippewa in the Treaty of September 30, 1854, 10 Stat. 1109. The Bois Forte Band and the Grand Portage Band created the authority following federal court affirmation of the rights in 1988. As part of a court-approved agreement with the State of Minnesota, the Bands have obligations to preserve the natural resources in the five (5) million acre ceded territory and to regulate the activities of Band members through a conservation code, enforcement officers, and a court. The Authority has also been involved with a variety of inter-agency efforts to study the effect of invasive species, climate change, and activities that impact treaty resources.

Although it has significant responsibilities in a geographic area the size of Massachusetts, the Authority has only fifteen (15) full-time employees. With those limited resources, the Authority has been able to collaborate with State, Tribal and Federal agencies to become a

prominent presence in the conservation of resources critical to the subsistence hunting, fishing and gathering activities of the Chippewa.

However, the successes of the Authority are overshadowed by the challenges facing the trust resources that are at the heart of the Treaty rights. The Minnesota moose population has declined precipitously in just a few years and for reasons unknown, invasive species and climate change threaten the Treaty fishing and wild rice production areas across the ceded territory, and human activities continue to deplete or displace wildlife populations.

The Authority urges the Committee and the Congress to acknowledge that the resources we seek to protect are **trust resources, reserved in treaties** that the United States has a legal obligation to protect and preserve.

## Testimony of

Monica G. Turner, President of the Ecological Society of America  
Dr. Val Anderson, President of the Society of Range Management  
Leda N. Kobziar, President of the Association of Fire Ecology  
Fred Clark, Executive Director of the Forest Stewards Guild

## Regarding the US Forest Service (Joint Fire Science Program) FY 2017 Budget

To the  
House Committee on Appropriations

## Subcommittee on Interior, Environment, and Related Agencies

March 17, 2016

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The Ecological Society of America, the Society of Range Management, Association of Fire Ecologists, and the Forest Stewards Guild appreciate the opportunity to provide testimony about the fiscal year (FY) 2017 budget US Forest Service (USFS) funding for the Joint Fire Science Program. We are concerned that the Administration's 2017 USFS budget request cuts funding for the Joint Fire Science Program's (JFSP) budget by \$6.194 million within its Wildland Fire Management budget. Instead, the Service has designated \$3 million for the Joint Fire Science Program from the \$292 million Forest and Rangeland Research account without increasing its funding. **We request that the US Forest Service restore the Joint Fire Science Program budget of \$6.194 million under the Wildland Fire Management budget and fully fund the Forest and Rangeland Research program.**

We applaud the Subcommittee's past leadership in funding wildland fire research within the US Department of Interior and the US Forest Service that is responsive to the needs of fire and fuel managers throughout the country.

As you know, the frequency, severity, and size of fires have increased substantially in the continental US since the 1980s, and this trend is projected to continue and intensify in the future. The risk to communities, the cost of property loss, and the expense to cover the damage brought by these fires will consequently also grow. Scientific research has been critical to understanding and properly responding to these wildfires in the most productive and cost-effective manner possible.

The JFSP was created by Congress in 1998 as an interagency research, development, and applications partnership between the US Department of the Interior and the US Department of Agriculture. The program solicits proposals from scientists who compete for funding through a rigorous peer-review process to ensure the highest quality projects are funded. Over 90 colleges and universities across the United States have collaborated or partnered with JFSP-sponsored research projects. The JFSP also runs a model program in science communication, with very effective efforts to put science in the hands of managers and policy makers.

**No other federal program except the JFSP provides the integration of science and management needed to face the challenges that lie ahead—we will be living in a world with more fire.** Research in fire science is crucial to anticipating how ecosystems and landscapes may change in the future, how fire should be managed in both wildlands and developed areas, and where mitigation or adaptation strategies are most appropriate. Reductions in support for JFSP are inconsistent with high-priority national research needs.

For much of the past ten years, the US Forest Service has had to borrow from other accounts within the Service to cover expenses of mitigating the increasing costs of wildfires nationwide. While the Society understands the need to consolidate resources to improve the effectiveness of federal fire response efforts, it seems counterproductive to cut funding towards applied research that will help agencies improve wildfire coordination and response efforts.

We appreciate that the House Subcommittee on Interior, Environment, and Related Agencies has made funding for policy-relevant wildfire science among your highest priorities. We hope you will continue to recognize the critical role the JFSP plays in these efforts.



## Aleutian Pribilof Islands Association, Inc.

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Dimitri Philemonof, President and CEO

Testimony submitted to the House and Senate Appropriations Subcommittee on Interior,  
Environment and Related Agencies

*The Atka Clinic Replacement, the Village Built Clinic's, the IHS Advance Appropriations &  
Mandatory Contract Support Costs*

March 10, 2016

The requests of the Aleutian Pribilof Islands Association (APIA) for the FY 2017 Indian Health Service (IHS) budget are as follows:

- Funding for a health facility replacement project in Atka, Alaska.
- Provide or require the IHS to allocate an additional \$12.5 million to fully fund Village Built Clinic Leases and make it a line item in the budget.
- Place IHS funding on an advance appropriations basis.
- Continue with indefinite funding for Contract Support Costs (CSC) but without the FY 2016 proviso limiting carry-over authority, and make indefinite CSC funding permanent and mandatory.

\* \* \*

The Aleutian Pribilof Islands Association (APIA) is a regional non-profit tribal organization with members consisting of the 13 federally recognized tribes of the Aleutian Chain and Pribilof Islands Region. APIA provides health care services to the Alaska Natives in four of the Tribal communities of this Region through funding received from IHS under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA). We also provide health-related services through various non-IHS grants and agreements.

### Atka Clinic Replacement

We are requesting funding for a health facility replacement in Atka, Alaska.

- During World War II, Atka Health Clinic was also destroyed along with the entire community by the United States Navy to keep our enemies from using the area.
- In Atka the APIA is working with and helping the City of Atka on a grant and funding package.

- In Unalaska a Joint Venture application with the Indian Health Service is approved, which also includes Atka.
- The Current Atka Health Clinic is inadequate to provide the care the community deserves, it is beyond repair and even a simple window replacement cannot be supported with the existing structure. It is vulnerable to weather & the life safety code.
- The Atka IRA Council, the City, APIA & APIDCA have taken the first steps to finance the design in the amount of \$128,000.
- Site-work plans, foundation design, floor plans & draft RFP for a modular bldg. is completed.
- The Atka Health Clinic is a newly designated Community Health Center that serves everyone regardless of race or ability to pay, it is a Veterans service site, as well as an Indian Health Service site.
- We are ready to take this project to the next level & begin the construction phase.
- We are specifically requesting support for construction funding in the amount of \$2,923,100.

#### **Funding for Village Built Clinics in Alaska.**

The Village Built Clinics (VBCs) continue to face a significant funding crisis. We thank you for the \$2 million appropriated in FY 2016 to supplement what was being spent on clinic leases and are heartened by the Administration's request of \$11 million in FY 2017 (\$9 million increase plus \$2 million from FY 2016) for this same purpose.

VBCs are leased by the IHS from other entities and are a vital component of the provision of basic health care services in rural Alaska, as they serve as the clinic space for the Community Health Aide Program (CHAP). The CHAP utilizes a network of community health aides and practitioners to provide primary health care services in otherwise unserved rural and isolated areas. Rental amounts for the VBCs have failed to keep pace with costs—the majority of the leases for VBCs have not increased since 1989. As a result, many of the VBCs are unsafe or have had to be closed, leaving some villages in Alaska without a local health care facility.

In addition, the President's proposed FY 2017 clinic lease bill language may need some clarification, depending on IHS's interpretation, concerning the references that health care be delivered in a space acquired through a "full service lease". In some cases tribes receive VBC funding as part of their recurring base, and so the IHS no longer has "full service leases" in place for those clinics. We know that the Appropriations Committees do not intend to limit VBC eligibility based on unclear terminology.


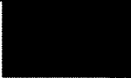
In sum, these amounts are a step in the right direction but the 2105 ANHB study that analyzed the funding deficiency statewide for these facilities identified an increased need of \$12.5 million increase. We urge that the full amount needed be appropriated. We also support maintaining this funding as a line item in the bill.

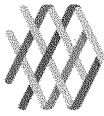
**IHS Advance Appropriations & Mandatory Contract Support Costs.**

We continue to support placing the IHS budget on an advance appropriations basis, as Congress has done with the Veterans Administration (VA) health accounts. The FY 2016 budget justification for the VA said advance appropriation is necessary to “fulfill the Administration's commitment to provide reliable and timely resources to support the delivery of accessible and high-quality medical services for veterans.” Advance appropriations for the IHS is equally important to the predictable and timely funding of health care for Alaska Natives and American Indians, and for us to more effectively use our resources in what is otherwise a difficult fiscal environment.

We wish to extend our appreciation to the Subcommittees for its support for full funding of CSC. We support the President's proposal for an appropriation in FY 2017 of “such sums as may be necessary,” with an estimated \$800 million for CSC for the IHS in a separate accounts within the IHS's discretionary budget. We join with others in Indian Country, however, in asking that the proviso from the FY 2016 appropriations language (“amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years”) be removed in 2017 and thereafter. We also believe that indefinite CSC funding should ultimately be made permanent and mandatory, beginning no later than FY 2018.

We appreciate your consideration of our request outlined in this testimony. On behalf of APIA and the people we serve, I am happy to provide any other additional information desired by the Subcommittee.

  
Dimitri Philemonof  
President/CEO 



**American  
Alliance of  
Museums**

**Testimony of Laura L. Lott  
President and CEO, American Alliance of Museums  
[www.aam-us.org](http://www.aam-us.org)  
to the House Appropriations Subcommittee on Interior, Environment, and Related  
Agencies  
in Support of Funding for  
NEH, NEA, Smithsonian Institution, and Historic Preservation Programs  
March 23, 2016**

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for allowing me to submit this testimony. My name is Laura L. Lott and I serve as President and CEO of the American Alliance of Museums (AAM). We urge your support for at least \$155 million each in fiscal year 2017 (FY 2017) for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH), as well as \$922.2 million for the Smithsonian Institution. We also request your support for the Historic Preservation Fund (HPF), including at least \$55 million for State Historic Preservation Offices (SHPOs), \$15 million for Tribal Historic Preservation Offices (THPOs) and \$28 million to preserve the sites and stories of the Civil Rights Movement. We request restored funding of \$30 million and \$4.6 million respectively for the Save America's Treasures (SAT) and Preserve America programs.

Before detailing these funding priorities for the museum field, I want to express my deepest appreciation for the increases enacted by the Subcommittee in the Consolidated Appropriations Act, Public Law 114-113. The additional funds for the NEH, NEA, Smithsonian Institution and historic preservation activities will enhance museums' work to enrich their communities and preserve our many heritages. I know the Subcommittee once again likely faces a very limited 302(b) allocation, and must make difficult decisions. In this context, however, we would posit that each of our priorities outlined below is a vital investment that will both protect our nation's cultural treasures and provide a tremendous economic benefit.

AAM is proud to represent the full range of our nation's museums—including aquariums, art museums, botanic gardens, children's museums, culturally specific museums, historic sites, history museums, maritime museums, military museums, natural history museums, planetariums, presidential libraries, science and technology centers, and zoos, among others—along with the professional staff and volunteers who work for and with museums. AAM is honored to work on behalf of the nation's approximately 35,000 museums, which employ 400,000 people, invest more than \$2 billion annually in educational programs, receive more than 55 million visits each year from primary and secondary school students, and directly contribute \$21 billion to their local economies.

Museums are essential in our communities for many reasons:

- Museums are key education providers. Museums already offer educational programs in math, science, art, literacy, language arts, history, civics and government, economics and financial literacy, geography, and social studies, in coordination with state and local curriculum standards. Museums also provide experiential learning opportunities, STEM education, youth training, job preparedness, and a range of programs geared toward

homeschooling families. They reach beyond the scope of instructional programming for schoolchildren by also providing critical teacher training. There is a growing consensus that whatever the new educational era looks like, it will focus on the development of a core set of skills: critical thinking, the ability to synthesize information, creativity, and collaboration. We believe museums are uniquely situated to help learners develop these core skills, and this is borne out by evidence. According to a recent University of Arkansas study, students who attended just a half-day field trip to an art museum experienced an increase in critical thinking skills, historical empathy and tolerance. For students from rural or high-poverty regions, the increase was even more significant.

- Museums create jobs and support local economies. Museums serve as economic engines, bolster local infrastructure, and spur tourism. Both the U.S. Conference of Mayors and the National Governors Association agree that cultural assets such as museums are essential to attracting businesses, a skilled workforce, and local and international tourism.
- Museums address community challenges. Many museums offer programs tailored to seniors, veterans, children with special needs, persons with disabilities, and more, greatly expanding their reach and impact. For example, some have programs designed specifically for children on the autism spectrum while others are addressing veterans' post-war trauma or providing youth job training opportunities.
- Digitization and traveling exhibitions bring museum collections to underserved populations. Teachers, students, and researchers benefit when cultural institutions are able to increase access to trustworthy information through online collections and traveling exhibits. Most museums, however, need more resources to digitize collections.

**The National Endowment for the Humanities** is an independent federal agency created by Congress in 1965. Grants are awarded to nonprofit educational institutions—including museums, colleges, universities, archives, and libraries—for educational programming and the care of collections. NEH supports museums as institutions of learning and exploration, and as keepers of our cultural, historical, and scientific heritages.

In 2015, through Preservation & Access, one of NEH's national program divisions, 63 peer-reviewed, competitive grants totaling over \$3.6 million dollars were awarded to museums, historical societies and historic sites for a variety of projects to preserve and provide access to our nation's rich cultural heritage. Across all NEH divisions (including Preservation and Access, Research, Education, Public Programs, Challenge Grants and Digital Humanities), these institutions received 118 awards totaling over \$12.5 million. Demand for humanities project support, as demonstrated by NEH grant application rates, far exceeds available funding. In FY 2015, NEH received 4,928 competitive grant applications representing \$482.8 million in requested funds, but was only able to fund 15.4 percent of these peer-reviewed proposals.

NEH also provides approximately forty percent of its funding directly to states through grants to humanities councils located in every state and U.S. territory. In 2015, 55 state councils supported 4,266 events in museums, reaching a total audience of more than 2.1 million people.

Here are just two examples of how NEH funding supports museums' work in your communities:

- The Minnesota Historical Society in St. Paul received a \$200,000 Public Programs grant in 2015 to support *Play the Past*, a groundbreaking mobile application that offers a new

and engaging student-directed field trip experience. The interaction continues back in the classroom, as students and teachers build on the experience through further research and classroom activities. The activities are directly tied to state academic standards.

- The North Lake Tahoe Historical Society is partnering with the University of Nevada at Reno on North Lake Tahoe Digitization Day in 2016, for which it was awarded a \$12,000 grant from the Preservation and Access Division. The day will include expert-supervised digitization, instruction in basic preservation strategies, docent-led tours of the museum, and future public access to images acquired during the course of the day.

**The National Endowment for the Arts** makes art accessible to all and provides leadership in arts education. Established in 1965, NEA supports great art in every congressional district. Its grants to museums help them exhibit, preserve, and interpret visual material through exhibitions, residencies, publications, commissions, public art works, conservation, documentation, services to the field, and public programs.

In 2015, more than 2,000 museums participated as Blue Star Museums—a partnership between NEA, Blue Star Families, and the Department of Defense—to offer free admission to all active duty and reserve personnel and their families from Memorial Day through Labor Day. This particular effort served more than 839,000 people, while many other museums offer military discounts or free admission throughout the year.

In 2015, NEA made more than 160 direct awards to museums, totaling over \$5 million. Forty percent of NEA's grant funds are distributed to state arts agencies for re-granting, and many museums benefit from these funds as well. Receiving a grant from the NEA confers prestige on supported projects, strengthening museums' ability to attract matching funds from other public and private funders. On average, each dollar awarded by the NEA leverages more than nine dollars from other sources.

Here are two examples of how NEA funding is used to support museums' work in your communities:

- As the Chairman is well aware, the Fender Museum of the Arts Foundation in Corona, California received a \$10,000 Challenge America grant in 2013 and 2014 to support music instructors for its Kids Rock Free music education program.
- The Museum of Glass in Tacoma, WA received a \$45,000 Art Works grant to support *Hot Shop Heroes*, a glassblowing program designed to serve wounded soldiers. Participants report the program fosters imagination, inquiry, experimentation and healing.

In addition to these direct grants, NEA's Arts and Artifacts Indemnity program also allows museums to apply for federal indemnity on major exhibitions, saving them roughly \$30 million in insurance costs every year and making many more exhibitions available to the public—all at virtually no cost to the American taxpayer.

**The Smithsonian Institution** comprises some of the most visited museums in the world, including the National Museum of American History, the National Air and Space Museum, and the National Museum of Natural History. The Smithsonian reaches visitors and learners of all ages, in the nation's capital and across the country, with innovative exhibits and programs. Its 20

museums—including the National Zoo—attracted over 28 million in-person visitors last year, its websites reached more than 100 million unique visitors, and its content and curriculums are used by teachers all over the country.

The president's FY2017 budget request of \$922.2 million includes critical funding necessary for the maintenance, operation, and security of the National Museum of African American History and Culture, which is due to open in September. Additional funding for collections care, cutting-edge research of every type, facilities maintenance, and technology upgrades will allow the Smithsonian to continue caring for the nation's treasures and increase access for all.

**The Historic Preservation Fund** is the funding source of preservation awards to states, tribes, local governments, and nonprofits. State and Tribal Historic Preservation Offices carry out the historic preservation work of the federal government on state and tribal lands. These duties include making nominations to the National Register of Historic Places, reviewing impacts of federal projects, providing assistance to developers seeking a rehabilitation tax credit, working with local preservation commissions, and conducting preservation education and planning. This federal-state-local foundation of America's historic preservation program was established by the National Historic Preservation Act. We urge you to provide \$55 million for SHPOs and \$15 million for THPOs through the Historic Preservation Fund.

We also urge you to restore funding of \$30 million for Save America's Treasures and \$4.6 million for Preserve America, which have not been funded in recent years. From 1999 to 2010, federal funding of \$315 million for 1,287 Save America's Treasures projects leveraged an additional \$400 million in non-federal funds. These projects protected some of America's most iconic and endangered artifacts, including Ansel Adams' prints and negatives, Frank Lloyd Wright structures including *Fallingwater*, and the American flag that inspired the *Star Spangled Banner*. SAT projects also created more than 16,000 jobs in local communities across the country. We applaud Ranking Member McCollum for her leadership on this issue, and are disappointed that the administration did not include this funding in its FY 2017 budget.

Also in the context of the Historic Preservation Fund, we support the administration's requested increases for the Civil Rights Initiative, including \$25 million for competitive historic preservation grants to preserve the stories and sites associated with the Civil Rights Movement as well as \$3 million to help Historically Black Colleges and Universities conduct similar documentation and interpretation.

The 2005 Heritage Health Index of archives, libraries, historical societies, and museums concluded that action is needed to prevent the loss of millions of artifacts, and an updated Heritage Health Index due soon is predicted to show a continuing urgent need. Historic preservation programs are not only essential to protecting our many heritages; they also serve as economic development engines and job creators.

I want to once more acknowledge the difficult choices that the Subcommittee faces. I hope that my testimony has made it clear why these priorities are of critical importance to the nation and will provide a worthwhile return on investment to the American taxpayer. Thank you again for the opportunity to submit this testimony.

**AARST TESTIMONY, HOUSE INTERIOR APPROPRIATIONS FY17  
March 24, 2016**

Testimony of

Mr. Shawn Price

President, American Association of Radon Scientists and Technologists,  
Inc. (AARST)

Regarding

FY17 Appropriations for the Radon "SIRG" Program in EPA

Thursday, March 24, 2016

Chairman Calvert, Ranking Member McCollum, thank you for this opportunity to offer written testimony on behalf of the membership of the American Association of Radon Scientists and Technologists, Inc. (AARST) and the public we serve. AARST is a professional organization and an ANSI-accredited standards developer, a 501 (c)(6) organization that *has not been and is not* a recipient of EPA grants.

This Subcommittee has a strong, consistent history in supporting radon risk reduction and the SIRG program in the past. I would like to thank all the Members of the Committee for this support, and I ask that the Subcommittee do so again for FY17. I thank you for your foresight and leadership on this issue.

First, let me offer some brief facts about radon:

- Radon is a gas that is produced from the natural decay of uranium in the soil. It seeps into basements and collects within. It is a radioactive gas, easily inhaled into the lungs.
- **According to CDC, radon is the leading cause of lung cancer in our country among nonsmokers, second only to smoking, and if considered its own disease category, radon-induced lung cancer would be the eighth leading cause of all cancer death.**
- **Radon causes more than 21,000 US lung cancer deaths each year.**
- If a house has a radon level of only 4 picocuries (the current EPA action level), that is **the equivalent of 200 chest x-rays per year -- or smoking 8 cigarettes per day.**
- Radon is odorless, colorless, tasteless. The only way to know if your health is being threatened by a large concentration of radioactive radon gas in your house is to conduct a test.
- Radon has been found in elevated levels in every state. No area is risk-free.

**AARST TESTIMONY, HOUSE INTERIOR APPROPRIATIONS FY17**  
**March 24, 2016**

**- The good news is that radon-induced lung cancer is nearly 100% preventable – IF you test the radon level in your home and take action to reduce high levels.**

The US Surgeon General has issued a warning about radon, advising the public to test their homes and get elevated radon levels repaired. State radon programs are essential to helping fulfill this prescription. **EPA's SIRG program is the only federal funding program in existence to help states address reduce the morbidity and mortality caused by radon.**

EPA's SIRG program is essential to continuing the battle against radon-induced lung cancer.

**The Success of the State Indoor Radon Grant Program in the United States**

Given the EPA radon program's voluntary nature, SIRG is the only public sector infrastructure that exists in the United States of America to prevent the tragedy of 21,000 deaths that are attributed to radon induced lung cancer, each year, every year. The EPA funding of the State Indoor Radon Grants and related support needs to continue.

**The National Radon Action Plan**

In the last year, EPA, HUD, CDC and partners including AARST have completed NRAP – the National Radon Action Plan -- NRAP. It is now underway.

NRAP identifies some good ideals. But a key deficiency of NRAP is that without dedicated federal funding, it is largely aspirational.

SIRG funding can actually make NRAP work.

In FY16, the Subcommittee report offered language designed to focus the use of SIRG funding to achieve greater potency. AARST applauded this action. We recommend that the Subcommittee continue in the direction set forth in FY16, with modifications to improve utility of the funding further. In addition, all of the recommendations we make today are not only consistent with NRAP, but are likely required in order for the intent of NRAP to be realized.

**SIRG Recommendations for FY17**

1. **FUNDING.** We recommend continuing funding for SIRG at the current level of \$8.1 million.
2. **NEW GRANT CRITERIA.** We recommend that the Subcommittee direct EPA, in awarding SIRG grants, to develop/implement criteria to prioritize grant awards under SIRG consistent with NRAP goals. At a minimum, EPA criteria should give award priority to state applicants that:
  - a) have adopted, or are seeking to adopt, radon building codes for homes, as the Indoor Radon Abatement Act requires at 15 USC 2666(d);
  - b) require, or are seeking to require, radon awareness, education and notification for homebuyers, and/or radon testing for homes; and

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**March 24, 2016**

c) require, or are seeking to require, that persons performing radon mitigation are certified by a recognized national consensus ANSI standard.

EPA may continue to consider other radon abatement activities in awarding grants, but the agency would be directed to evaluate and rank state grant applicants based on these criteria that are essential to the advancement of radon abatement in America.

3. **TRAINING.** We recommend that the Subcommittee direct EPA to encourage states to use SIRG funds to support (1) training for homebuilders in radon-resistant construction methods contained in state building codes and conforming to consensus national standards; 2) radon testing and mitigation training that conforms to consensus national standards and will prepare trainees for certification according to state law, the National Radon Proficiency Program, or the National Radon Safety Board.

Training is consistent with NRAP. It is also consistent with The Indoor Radon Abatement Act, which authorizes EPA to support training.

Training will build capacity to meet the radon abatement demand that will be created by NRAP, to achieve goals in quality testing, mitigation, and new construction. Organizations such as ASHI (home inspectors), AARST and AARST-NRPP, NAHB and secondary education institutions/community colleges can help states to identify training providers.

4. **SCHOOLS.** We recommend that the Subcommittee direct EPA to require states to educate local education agencies (LEAs) about radon exposure risk in school buildings and to provide LEAs with EPA guidance and radon testing and mitigation templates consistent with national consensus ANSI standards.

One departure from the FY16 provisions is that AARST recommends any allocation of SIRG monies for schools be designated to promote radon testing and mitigation in schools and provide school officials with information such as testing and mitigation templates consistent with national consensus ANSI standards. SIRG monies should not be used for actual testing and mitigation, which would quickly exhaust SIRG funding to serve only a small number of schools. Instead, state programs would inform school districts about radon and what they need to do to test for radon, and then how to mitigate if testing indicates that mitigation is needed.

5. **AWARENESS FOR PROFESSIONALS.** We recommend that the Subcommittee direct EPA to support state efforts to promote radon awareness via hospitals, clinics, and other health care providers and medical professionals; encourage states to incorporate radon exposure prevention and radon risk education efforts in cancer control plans developed under the National Comprehensive Cancer Control Program; direct EPA to support state-initiated dialogues involving representatives of home builders, real estate professionals, building code officials, radon testers, mitigators, home inspectors, public health officials, and cancer prevention advocates to consider whether updated code requirements for State and/or local adoption may have merit.

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March 24, 2016**

**ENVIRONMENTAL PROGRAMS AND MANAGEMENT, Indoor Air and Radiation.**

We recommend that the Subcommittee direct EPA to use funds provided herein to take the following actions to complete the creation of the national technical and human infrastructure that will be needed to meet the increased demand for radon services as a result of the National Radon Action Plan:

- (1) establish criteria for EPA recognition of national proficiency certification programs that use ongoing performance review processes, with provision for discontinuation of certifications for cause, to ensure the effectiveness of private firms and individuals offering radon-related measurement and mitigation services utilizing consensus American National Standards; recognize qualified programs; and direct states to require certification by qualified programs;
- (2) encourage train-the-trainer courses in radon measurement, radon mitigation, and radon resistant new construction for qualified entities and certifying organizations;
- (3) recognize as policy consensus American National Standards that conform to OMB Circular A-119 and the Technology Transfer Act (P.L. 104-113) and support their completion and adoption;
- (4) support dialogues with organizations responsible for developing national model building codes, and authorities which regulate building construction within States or political subdivisions within States, to add up-to-date methods of reducing radon in new buildings to model building code requirements.

We would suggest that the Administrator be advised to assign adequate regional FTE to administer the SIRG program.

Mr. Chairman, Ranking Member McCollum, all Members of the Subcommittee, thank you for your kind support for SIRG in the past and your leadership in combating radon-induced lung cancer. Your action will help save lives.

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Prepared on behalf of American Chemical Society by:

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J. Carl Maxwell

Director, Energy and Environment Policy

Office of Public Affairs

American Chemical Society

Washington DC 20036

Testimony by the American Chemical Society  
*Science and Technology Programs at the Environmental Protection Agency:  
The Fiscal Year 2017 Budget Request*  
Subcommittee on Interior, Committee on Appropriations  
March 23, 2016

As Congress and the Administration consider funding priorities for FY2017 in a tight budgetary environment, The American Chemical Society (ACS) urges policy makers to support the important work carried out by the Environmental Protection Agency's Science and Technology Program. In reviewing the President's budget request, ACS has identified two areas of focus for EPA:

1. Funding the EPA Science & Technology account at the requested amount of \$754 million and increasing support for scientific research supported by the agency, particularly through the Office of Research and Development (ORD).
2. Restoring \$10 million the Science To Achieve Results (STAR) fellowships program to the FY2016 enacted amount of \$49.8 million.

The American Chemical Society (ACS) would like to thank Chairman Ken Calvert and Ranking Member Betty McCollum for the opportunity to submit testimony for the record on the Environmental Protection Agency (EPA) science and technology programs for fiscal year 2008.

ACS is a non-profit scientific and educational organization, chartered by Congress, representing approximately 157,000 individual chemical scientists and engineers. The world's largest scientific society, ACS advances the chemical enterprise, increases public understanding of chemistry, and brings its expertise to bear on state, national, and international matters.

We look to science to understand environmental challenges and to develop more intelligent, less burdensome solutions. Over the past two decades, demand for more scientific evidence -- whether to set or improve regulations -- has grown substantially. The amount of research envisioned in EPA-related authorizations also has increased. Nevertheless, appropriations for EPA science programs have not kept pace with the need for more and better science.

Over the last 20 years, the EPA S&T account, which includes the ORD and research programs in other EPA Offices, has fluctuated between seven and ten percent of the agency's total budget. In order for EPA set science-based national environmental standards, conduct research and environmental monitoring, and provide technical assistance to states, local governments, and businesses, the S&T account needs to increase as a percentage of the agency's total budget, ultimately to a stable ten percent level. The President's budget request is \$754 million, a roughly 2.6% increase over FY2016, and 9.2% of the total agency request. While ACS supports the President's request, we urge the committee to find additional resources to boost S&T spending at EPA to eventually reach 10% of the agency budget.

Prepared on behalf of American Chemical Society by:  
 J. Carl Maxwell  
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 Office of Public Affairs  
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In the long term, ACS recommends the ORD account should eventually receive \$646 million, consistent with its 2004 funding high point. This represents an increase of 20.5% percent relative to FY2016 funding levels. ACS strongly urges to the committee to work with EPA to boost resources for ORD to request and appropriate steadily increasing amounts to eventually reach the 2004 level. ACS recommends that the additional funds be applied to the following priority areas:

- Provide at least a \$10 million increase in funding for STAR fellowship program
- Increase funding of green chemistry and engineering to advance the development and use of innovative, environmentally benign products and processes.
- Invest in EPA's ability to recruit, develop, and retain an effective scientific workforce.
- Continue investing in federal research and technology development to reduce or avoid greenhouse gas emissions and address the potential impacts of global climate change.
- Support innovative and high-risk research to help identify and explore future environmental problems and develop new sets of technologies to solve existing problems.

The FY2008 budget request continues a pattern of flat support for science at EPA for the Office of Research & Development, which is the largest part of the S&T account. The Administration requested \$512 million for ORD for FY2017. This represents a -.2% cut in ORD resources over FY2016. The decrease, when accounting for inflation, in ORD accounts from FY2016 threatens ORD's mission to carry out world class environmental research, further damaging the government's ability to provide top notch research on behalf of the American taxpayer and ensure America's policy makers use sound scientific advice in decision making.

The Administration's proposal to reduce funding in the STAR fellowship program is a good case in point. This program is the only federal program dedicated to graduate study in environmental sciences at colleges and universities across the country. The STAR fellowships are part of a cohesive effort to characterize critical or emerging environmental problems and create solutions to address them. EPA designed this extramural research grant program to work in cooperation with a fellowship program. Together, they provide ideas, information, new discoveries, and new researchers. Today's STAR fellows will become tomorrow's environmental experts working for industry, government agencies like EPA, and academic institutions. The loss of this program's resources will further erode the agency's capability to attract an excellent workforce and will reduce the amount of scientific information available to inform agency decisions. Over the last decade, STAR fellowship funding has been reduced by over half. We urge the committee to restore funding to the appropriated level of \$49.8 million from the budget request of \$39.1 million.

ACS supports increased funding for green chemistry and engineering programs to advance the development and use of innovative products and process, reducing or eliminating the use of hazardous substances. Because chemistry and chemical products fuel the economy of every industrialized nation, the tools and strategies chemists and chemical engineers develop will be instru-

Prepared on behalf of American Chemical Society by:

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mental in meeting the dual challenges of protecting the environment and strengthening the economy.

ACS is a long term advocate for increased attention to research programs at EPA, both in budgetary and in management terms, and our enthusiasm for these programs remain strong



## **American Forest & Paper Association**

**Testimony of Elizabeth Bartheld, Vice President, Government Affairs  
American Forest & Paper Association  
Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations  
March 17, 2016**

The American Forest & Paper Association (AF&PA) serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - Better Practices, Better Planet 2020. The forest products industry accounts for approximately 4 percent of the total U.S. manufacturing GDP, manufactures approximately \$210 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 47 states.

Increased funding is needed for programs that provide basic data about our nation's forests to inform industry, policymakers, and academics; and for restoring federal timber harvests to help ensure adequate fiber supply and to address forest health priorities on both federal and private lands. Within the jurisdiction of this Committee, we urge you to direct the United States Forest Service (USFS) to focus on the needs of the forest products industry and the vital jobs it supports. Specific recommendations follow.

### **Forest and Rangeland Research**

**Forest Inventory and Analysis - AF&PA supports funding for the FIA program at \$83 million for FY17 and requests that Congressional supporters fully fund this vital program, as the government places increased reliance on the data.**

The Forest Inventory and Analysis (FIA) program in the U.S. Forest Service is the backbone of our knowledge about the nation's forests, and it is a vital technical resource that allows the assessment of the sustainability, health, and availability of the forest resource.

FIA data is used for a variety of reasons - identifying trends in forest ownership; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risk; predicting the spread of invasive species; determining capital investment in existing forest products facilities and selecting locations for new forest product facilities; and identifying and responding to priorities identified in State Forest Action Plans.

AF&PA is a strong supporter of the FIA program and was involved in the Blue Ribbon Panels in 1992 and 1998 to develop a national vision and strategy for the program. As a result, the 1998 Farm Bill mandated the FIA program transition to a 5-year annualized inventory by directing measurement of 20% of all plots annually. The program has not yet been able to meet these statutory requirements due to perpetual underfunding.

While AF&PA is supportive of FY2017 funding at \$83 million to allow for a 7 year annualized program in the east, and a 10 year program in the west; to fully meet the statutory requirements from the 1998 Farm Bill of a 5 year annualized program and increasing data needs, AF&PA believes that the program ultimately requires \$130 million. This would allow sampling at a level of 1 plot per 3000 acres and would return the FIA to historic sampling levels in the Southeast, and allow other states to enjoy the same level of precision that is currently available in the Lake States. It also would include the urban inventory and Alaska. This would make FIA data more useful for emerging needs in the EPA biogenic carbon accounting framework. There is increasing interest in the data as new forest-using facilities are constructed and as the growth/drain ratios have become more important for issues such as carbon accounting for biogenic feedstocks.

#### **State and Private Forestry**

AF&PA applauds the Committee's sustained support for USFS State and Private Forestry programs. With ongoing droughts, invasive species infestations, and significant forest health problems, private forest resources remain vulnerable to damage from threats that do not respect public/private boundary lines.

As you know, private forests provide the bulk of the nation's wood fiber supply, while providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. USFS State and Private Forestry programs protect these resources from threats beyond the capability of small landowners to combat effectively. **Therefore, we urge funding at the FY 2012 enacted levels of \$87 million for State Fire Assistance and \$15 million for Volunteer Fire Assistance.**

The Forest Stewardship Program is an invaluable tool that reaches millions of small landowners who own much of the productive forestland across the nation. This program helps keep working forests working while they provide the benefits to society including forest products, clean water, and wildlife. **AF&PA requests \$29 million for Forest Stewardship.**

#### **National Forest System, Forest Products & Hazardous Fuels Reduction**

To create forest industry jobs, more federal timber should be made available for sale. AF&PA supports increasing funding for the Forest Products program and increasing outputs to put people back to work in our rural communities while improving the health and reducing the risk of forest fires.

**AF&PA supports efforts to eliminate fire borrowing in order to provide certainty for Forest Service accounts that have been routinely raided for fire funds.** In the past two years, the USFS was forced to redirect over \$1 billion from non-fire programs to pay fire suppression costs. The continued cycle of borrowing has a hugely detrimental effect on other programs, including forest management and research, damaging the ability to effectively implement these programs. We thank the subcommittee for their efforts in seeking a solution to the problem and urge Congress to solve this debilitating issue.

Hazardous fuels reduction is essential to the federal forest health restoration effort and **AF&PA supports maintaining funding for this program.** We also urge the subcommittee to instruct the USFS to implement these projects in forested stands using mechanical treatments that produce merchantable wood fiber for utilization by local mills. Prescribed burns and debris removal will not solve the hazardous fuel overload by themselves. The forest products industry can and does play a key role in reducing hazardous fuels from federal lands as evidenced by the

fact that mechanical hazardous fuel reduction costs frequently are significantly lower in regions with a substantial forest products industry presence. The agency must take advantage of these synergies.

#### **International Forestry**

AF&PA's believes that full and effective implementation and enforcement of the 2008 Lacey Act amendments will reduce the destructive effects of illegal logging on tropical forests, enable American forest product companies to compete on a level playing field, and contribute to cutting of global greenhouse gas emissions through reduced deforestation and sustainable forest management practices. A 2004 AF&PA report on illegal logging found that up to 10 percent of global timber production could be of suspicious origin and that illegal logging depresses world prices for legally harvested wood by seven to 16 percent on average. The report also calculated that the economic cost of global illegal logging to the U.S. industry is approximately \$1 billion per year in lost exports and depressed domestic prices.

The USFS International Forestry program lends critical technical assistance for Lacey Act implementation and to improve sustainable forest management practices in developing countries, which helps reduce illegal logging overseas. **AF&PA believe cuts to the International Forestry accounts could be detrimental to full Lacey Act compliance and enforcement efforts, and recommends \$8 million in funding for the International Forestry program.**

**We also recommend continued funding within the USFS R&D program in support of the Agenda 2020 Technology Alliance.** Working in partnership with universities and the private sector, the Agenda 2020 program works with USFS on research to develop and deploy production systems that are ecologically sustainable, socially acceptable, and economically viable to enhance forest conservation and the global competitiveness of forest product manufacturing in the United States. In particular, we encourage greater funding for research on forest productivity and utilization at the Forest Products Lab and Research Stations. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource.

Regards,

Elizabeth Bartheld  
Vice President, Government Affairs

**Testimony of Tom Martin, President & CEO, American Forest Foundation  
For the House Appropriations Committee:  
Subcommittee on Interior, Environment and related Agencies  
March 23, 2016**

America's family-owned forests, over one-third of the nation's forested landscape, are critical to meeting the nation's clean air and water, wildlife, and wood supply needs today and in the future. With impending threats to these forests from catastrophic wildfires, development pressures, insects, diseases, and other issues, continued delivery of these benefits is not guaranteed. Funding for critical U.S. Forest Service programs is essential for helping the 22 million people who own these lands, continue to provide these necessities for all Americans. In particular, we request the following funding levels and policy improvements for critical programs in the USDA Forest Service budget:

- Revise budgeting structure for wildfire suppressing to allow expenses for large wildfires to be paid for from emergency funds and to reverse both the "borrowing" and the gradual decline of key agency program funding.
- \$479 million for the hazardous fuels program accompanied with policy direction to support increased cross-boundary collaboration and implementation, especially with private landowners, through the hazardous fuels program.
- \$29 million for the Forest Stewardship Program with continued direction to encourage a focus on outcomes and measurable impact;
- \$23.5 million for the Landscape Restoration Program;
- \$83 million for the Forest Inventory and Analysis Program;
- \$27 million for the Forest Products Laboratory
- \$48 million for Forest Health Protection on Cooperative lands;

The American Forest Foundation is a nonprofit conservation organization that works on the ground with the more than 22 million family woodland owners through a variety of programs, including the American Tree Farm System®, to protect the values and benefits of America's family forests, with a specific focus on clean water, wildlife, and sustainable wood supplies. Unfortunately, new data suggests that by 2020, more than 18 million acres of family forests will be threatened by housing development. Furthermore, almost 14 million acres are at risk of mortality due to insects and disease, while 29 million are at high or very high risk of destruction from wildfire.<sup>1</sup> At the same time, less than 15% of family forest owners have sought out technical service for the stewardship of their forests; therefore, it is essential that we provide families with the tools, technical information, and policy support to keep their forests as forests and help them accomplish their management objectives while also protecting the critical benefits Americans depend on every day.

### **Wildfire Suppression Funding Fix**

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<sup>1</sup> Family Forest Research Center, 2014 Preliminary Data

Over the last decade, wildfire expenses have significantly increased, and the federal wildfire budgets are often insufficient to cover the costs, leading federal agencies to transfer funds from non-fire accounts to cover fire-fighting expenses. Additionally, as the budgeted 10-year average of wildfire fighting costs has increased in a limited budget, non-fire programs have gradually been squeezed. Programs like the Forest Stewardship Program have seen as much as a 20 percent decline in the last few years, causing serious challenges with state forestry agency's abilities to work with family landowners.

We urge passage of legislation that will both end the disruptive borrowing and reverse the trend of wildfire fighting costs consuming the Forest Service budget at the expense of other critical programs.

#### **Hazardous Fuels Program Cross Boundary Direction**

A recent AFF survey of family landowners in the West showed that family owners are aware and interested in implementing management to reduce wildfire risks on their properties but there are two important barriers: cost and concern about lack of action by their neighbors. Why is this important? AFF also completed recent analysis that shows if we want to protect critical watersheds in the West from the risks of catastrophic wildfire—which can destroy the storage and filtration benefits forests provide—leading to water quality and quantity problems—we've got to engage family landowners in wildfire mitigation. In fact our analysis shows that nearly 40% of the land that keeps water clean in important watersheds that are at a high risk of wildfire, are private and family-owned. Cross-boundary collaborative projects that engage all landowners in a landscape or a watershed— both public and private, will help address these challenges and will also help motivate landowners to act. Thus, we ask the Subcommittee to provide direction to the Forest Service and the Department of the Interior to work in partnership with state forestry agencies to encourage cross-boundary collaboration and implementation of wildfire mitigation at a landscape scale, through the hazardous fuels program. We also ask the Subcommittee to fund the Forest Service hazardous fuels program at \$479 million.

This approach is working. For example, in the Blue Mountains of Oregon, AFF is working through a local collaborative, that involves public agencies and local organizations working together to support wildfire mitigation across the landscape. This collaborative has realized that treating only one piece of the puzzle—the public lands side which has been where most of the focus has been—is not going to fully protect communities, homes, lives, and water supplies. To date, we have succeeded in engaging landowners who are now managing almost 22,000 acres for wildfire mitigation, in the patchwork of public and private lands. We are similarly working in collaboratives in Colorado's Front Range, Montana's Great Falls, and California's Northern Sierra's.

#### **Forest Stewardship Program**

The Forest Stewardship Program (FSP), implemented through state forestry agencies, provides federal support for the boots-on-the-ground needed to engage family landowners in stewardship. With strong funding of \$29 million for FY17 and strategic changes, FSP could do

more. FSP can be, and in some states already is, an essential lynchpin for conducting outreach, marketing, and interaction with landowners in ways that can measurably protect clean water, wildlife habitat, and sustainable wood supplies. Without the presence on the ground, effective landowner engagement will be impossible. We encourage the Subcommittee to continue to provide direction to support the changes underway in the program to better focus the program on measurable outcomes, encourage targeted marketing and engagement so resources are focused on the highest priorities, and encourage sustained engagement with landowners so resources are used most effectively to achieve priority outcomes on the landscape.

#### **Landscape Scale Restoration Program**

The Landscape Scale Restoration Program (LSR), which provides resources through a competitive process, to states and partner organizations to implement work that results in measurable outcomes, is a very effective program. Through LSR, state agencies are working with partners like AFF to move the needle on key issues like protecting clean water in the West or restoring critical ecosystems in the south which will be essential to preventing another flood of species listings in the south. The program is leveraging private sector funding as well. AFF strongly urges the Subcommittee to support \$23.513 million for the Landscape Restoration Program.

#### **Forest Inventory and Analysis Program**

The Forest Inventory and Analysis Program provides critical data to inform natural resource decisions, such as where to site a new mill, where to implement wildfire mitigation treatments for the greatest impact, how much carbon is captured and stored in our forests. FIA also provides trends in family forest ownership and demographics so that we can better understand how to work with this significant ownership group. We appreciate the work of the Subcommittee in FY 2016 to increase funding for this program and we encourage an increase to \$83 million in FY 2017, to allow the agency to implement the current measurement cycle, at a minimum.

#### **Forest Products Laboratory**

The Forest Products Laboratory, part of USFS Research and Development, provides critical research for increasing the market opportunities for forest products. Recently, the Laboratory has been essential to providing the science and data needed to build the new tall wood buildings we are beginning to see in the U.S., that have both economic and environmental benefits. The Lab is also key to researching new products for forests—from biomass energy to nanotechnology products. Markets that provide landowners with income to implement management such as hazardous fuels reduction or habitat creation, will be essential if we're to address the issues facing family lands and continue to see the benefits from these lands. We appreciate the increase the Subcommittee provided for the Lab in FY 2016 and we ask that this funding level, of \$27 million be at least maintained in FY 2017. We also urge the Subcommittee to provide direction that the increased funds be used for a combination of research, development, and technology transfer for advancing wood building construction, nanotechnology, and biomass technology development.

### **State Fire Assistance**

We ask the Subcommittee to provide \$87 million for State Fire Assistance to support the program's coordinated fire protection and mobilization for fire suppression on both federal and non-federal lands. In addition, the funds support state-coordinated hazard mitigation activities in the wildland-urban interface, focus on reducing property loss, decrease fuels hazards, increase public awareness, develop fire plans, and increase citizen-driven solutions in rural communities.

### **Forest Health Investments**

Threats from invasive species and pests continue to pervade American tree-farmers' lands, thus posing economic and environmental hardships. Close to 500 species of tree-damaging pests from other countries have become established in the United States, and a new one is introduced, on average, every 2 to 3 years. The USFS Forest Health Protection (FHP) Program is necessary to help prevent, contain, and eradicate these dangerous pests and pathogens. The program provides critical assistance to other federal agencies, state agencies, local agencies and private landowners. We ask the Subcommittee fund the Forest Health Cooperative lands program at \$48 million, to provide protection from insects and diseases on non-federal lands, including family lands.

Thank you for considering these requests. We know the Subcommittee has difficult decisions to make, in this era of limited budgets, especially with the rising costs of wildfire suppression. We hope that the Subcommittee will consider the impact the above mentioned priorities can have on millions of family forest owners, along with all other Americans who reap the benefits of well-managed, working forests.

We, at AFF, thank the Subcommittee for the opportunity to provide some insight on these programs. If you have any questions, please contact Rita Hite at [rhite@forestfoundation.org](mailto:rhite@forestfoundation.org)

**Written Testimony of  
 Jeff Lerner, Vice President of Conservation Programs, American Forests  
 To the House Committee on Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies  
 March 23, 2016**

Dear Chairman Calvert, Ranking Member McCollum, and Honorable Committee Members:

American Forests appreciates the opportunity to submit public testimony regarding our Fiscal Year 2017 appropriation recommendations. We understand the continuing economic realities facing the nation, and we thank this Subcommittee for its support of key federal conservation programs in the Consolidated Appropriations Act of 2016. Our nation's forests yield a significant return on investment, whether those forests are public or private, in urban areas or in wildlands. The economic, social, and environmental benefits healthy forests provide are clear incentives for continued federal investment. American Forests' funding recommendations are generally consistent with the President's budget requests for the USDA Forest Service, Department of Interior, and the Environmental Protection Agency, with the exception of programs that merit an elevated request.

Founded in 1875, American Forests is the oldest national nonprofit conservation organization in the United States. Its mission is to restore threatened forest ecosystems and inspire people to value and protect urban and wildland forests. American Forests has planted 50 million trees in 1,000 forest restoration projects and works in cities across the country helping to increase urban forest canopy, demonstrating innovative greenspace creation.

**USDA FOREST SERVICE (USFS)**

**National Forest System**

**Collaborative Forest Landscape Restoration Program (CFLRP):** CFLRP was created to promote job stability, a reliable wood supply, and forest health while reducing emergency wildfire costs and risks. American Forests' request is \$20 million above the President's FY2017 budget ask, and identical to agency budget requests from the past two years. This program is developing a successful track record and operating at a scale that demonstrates landscape impact. Increased funding would support the continued implementation of the 23 existing projects, and allow for the competitive selection of up to ten additional landscapes across the nation. *American Forests recommends an increase from the President's request to \$60 million.*

**State and Private Forestry**

**Urban and Community Forestry (U&CF):** U&CF plays an integral part in promoting sound stewardship of our nation's urban and community forests and trees. By providing important technical and financial support, U&CF helps cities and towns across the nation enhance tree and forest cover, prepare for storms and other disturbance events, contain threats from native and invasive pests, and maximize the economic, social, and ecological benefits of their tree resources. U&CF is a smart investment as federal support is often leveraged 2:1 (or in many cases significantly more) by states and partner organizations. As a model federal program, U&CF consistently increases communities served, brings together diverse partners and resources, and shows that federal investment can have lasting impacts on communities of all sizes. *American Forests recommends U&CF be funded at \$31.3 million.*

**Community Forests and Open Space Program (CFP):** CFP has made substantial progress in preserving forests by increasing opportunities for Americans to connect with forests in their own communities and fostering new public-private partnerships. CFP has supported 27 community forest projects in cities and towns across 15 states and territories. In the latest round of CFP grants, project partners leveraged \$8.7 million in federal funds to secure \$31.8 million in non-federal funding. As a result of these partnerships, more than 14,000 acres of private forestlands are being conserved to create new or expand existing community forests. *As interest in this program far exceeds the FY 2016 allocation of \$2 million, American Forests recommends an increase to \$5 million.*

**Forest Health Management:** The Forest Health Management programs provide essential expertise and assistance to state and municipal agencies and private landowners in countering non-native pests. Municipal governments across the country are spending more than \$3 billion each year to remove trees on city property killed by these non-native pests. Homeowners are spending an additional \$1 billion to remove and replace trees on their properties and are absorbing an additional \$1.5 billion in reduced property values. *American Forests asks that the Subcommittee appropriate \$52 million for federal lands and \$48 million for cooperative lands.*

**Forest Legacy Program:** Since authorization in 1990, the Forest Legacy Program has protected 2.49 million acres of private forests through voluntary conservation easements. It is imperative to continue protecting our nation's forests for future generations. Although still in private ownership, these lands provide a myriad of ecosystem services to Americans today. *American Forests supports the President's request of \$62.35 million allocated through the Land and Water Conservation Fund.*

**Landscape-Scale Restoration:** The Landscape Scale Restoration program strategically prioritizes resources by competitively allocating the Cooperative Forestry Assistance Act funds. It focuses on targeting federal investments —leveraged by state funding resources— to areas of greatest need, highest value, or strongest innovation potential as stipulated in each State Forest Action Plan. *American Forests recommends funding the Landscape Scale Restoration program at \$23.5 million.*

#### **BUREAU OF LAND MANAGEMENT (BLM)**

**Public Domain Forest Management:** The BLM is entrusted with the management of 58 million acres of forests and woodlands across 12 western states, including Alaska. 14 million acres — or 24 percent — of BLM forests are overstocked, increasing insect and disease attacks and catastrophic wildfire. Increased funding to address these serious risks is necessary across all land management agencies. *American Forests supports the President's FY 2017 request of \$10.08 million.*

**National Conservation Lands:** The National Conservation Lands encompasses signature landscapes including some of America's finest natural and cultural treasures, many of them forested. Yet, despite their codification in law and growing popularity, these areas lack sufficient staff and financial resources to adequately protect their valuable natural and cultural resources and maximize their recreational potential. *American Forests supports the President's FY 2017 request for \$50.65 million.*

### **FISH AND WILDLIFE SERVICE (FWS)**

**Ecological Services:** Ecological Services achieves conservation of FWS trust resources, focusing on imperiled species, and works closely with external partners and agencies for the conservation of natural resources across the landscape. The Ecological Services Program facilitates implementation of the Endangered Species Act *American Forests supports the President's FY 2017 request of \$252.29 million for Ecological Services.*

**Coastal Program:** As part of the habitat conservation arm of FWS, the Coastal Program is a cooperative program to implement habitat restoration and protection projects on public and private lands in 24 priority coastal ecosystems, including areas in the Great Lakes and U.S. Territories. Coastal forest habitats provide natural infrastructure to protect shorelines from damage and increase resilience to impacts of storms and sea level rise. *American Forests supports the President's FY 2017 request of \$13.49 million for the Coastal Program.*

**National Wildlife Refuge System:** The National Wildlife Refuge System, with 563 refuges covering more than 150 million acres across the country, is vital to protecting America's wildlife and ensuring that their habitats are a priority. Refuges are visited by 48.5 million people each year, contribute \$4.5 billion to the economy, and support 35,000 jobs. Investment in the Refuge system is an investment in our communities. With 101 refuges within 25 miles of major population centers, the Refuge System is a vital component of our urban forests, as well. *American Forests supports the President's FY 2017 request for \$508.20 million with the additional \$5.5 million requested for urban wildlife refuges.*

**State and Tribal Wildlife Grant Program (STWG):** Created in 2000, the STWGP provides grant funds to States and Tribes to develop and implement programs for the benefit of fish and wildlife and their habitats. The program is a proactive solution and important complement to the Endangered Species Act by supporting the creation and implementation of comprehensive wildlife conservation strategies or more commonly, State Wildlife Action Plans, to conserve declining wildlife and avoid the need for federal listing. Actions must link to the plans which have helped conserve 1.9 million acres of habitat for species of greatest conservation need including 131,000 acres of habitat protected through land acquisition or conservation easements. *American Forests supports the President's FY 2017 request for \$66.98 million for State and Tribal Wildlife Grants.*

### **NATIONAL PARK SERVICE**

**National Park System:** During this historical centennial year of the National Park Service, American Forests' requests improved funding for the agency's operations, construction, and partnerships. Specifically, the National Park Partnerships (a.k.a. Centennial Challenge) is an economically wise program that leverages private dollars to match federal funds. The funds support projects to improve the visitor experience at national parks which often involves time spent in iconic forest habitats of the U.S. *American Forests supports the President's FY 2017 request of \$2.524 billion for 'Operations', \$252 million for 'Construction' and \$35 million for National Park Partnerships.*

**Outdoor Recreation Legacy Partnership Program (ORLPP):** The State and Local Assistance Program provides matching grants to states and localities for protection and development of parks and recreation resources and is the primary federal investment tool to ensure that families have easy access to urban forests in parks and open space, and neighborhood recreation

resources. This nationally competitive program complements the existing state and local assistance program by creating opportunities for outdoor play as well as developing or enhancing outdoor recreation partnerships in cities. *American Forests supports the President's FY 2017 request of \$110 million for the state and local assistance program, which includes \$12 million for ORLPP.*

### **ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**Clean Water State Revolving Fund (CWSRF):** Green infrastructure is a cost-effective and resilient approach to stormwater infrastructure needs that also provide many other community benefits. American Forests supports EPA's goal of strengthening green infrastructure activities to further its sustainability goals. *American Forests request that not less than 20 percent the CWSRF funding be made available for green infrastructure or environmentally innovative projects that promote watershed protection, restoration and build community resilience.*

### **LEGISLATIVE LANGUAGE REQUESTS**

#### **Wildfire Suppression Funding**

America's forests and forest-dependent communities are at risk from outbreaks of pests and pathogens, persistent drought, and the buildup of hazardous fuels. Urbanization and development patterns are placing more homes and communities near fire-prone landscapes, leading to more destructive and costly wildfires. Unfortunately and again in FY 2015, the ten-year average was not enough to meet the USFS suppression needs, forcing the agency to transfer \$700 million from non-suppression accounts to make up for the shortfall. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management, among many other activities. Additionally, the increasing ten-year average to has not met annual suppression needs since before FY 2002, which is why we are thankful to the Committee for the full transfer repayment and increased suppression funding in FY 2016. However, DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets each year.

We appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act, which addresses federal fire funding challenges as well as other bipartisan Congressional efforts in this regard. We respectfully request a bipartisan fire funding solution that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that proactively restore forests to healthier conditions.

#### **Land and Water Conservation Fund**

American Forests supports the permanent authorization of full and dedicated funding, without further appropriation or fiscal year limitation, for the Land and Water Conservation Fund (LWCF). LWCF programs protect natural resource lands, outdoor recreation opportunities, and working forests at the local, state and federal levels. This program ensures that these important lands are protected for current and future generations. *American Forests supports the President's FY 2016 budget request, which calls for permanent authorization of \$900 million in mandatory funding for LWCF programs in the Departments of Interior and Agriculture.*



Testimony of the  
**American Geophysical Union**

Prepared by Carissa Bunge, Public Affairs Specialist  
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To the  
 U.S. House of Representatives  
 Committee on Appropriations  
 Subcommittee on the Interior, Environment and Related Agencies  
 23 March 2016

Regarding the  
**U.S. Geological Survey**  
**FY 2017 Budget Request**

The American Geophysical Union (AGU), a non-profit, non-partisan scientific society, appreciates the opportunity to submit testimony regarding the fiscal year 2017 (FY17) budget request for the United States Geological Survey (USGS). **The AGU, on behalf of its more than 60,000 Earth and space scientist members, respectfully requests Congress to appropriate \$1.17 billion for the USGS.** Currently, federal funding for USGS is 4.5% below what it was in Fiscal Year 2010. Since FY10, USGS has not seen a funding increase above 2%. Restoring strong funding to USGS will allow the agency to sustain current programs and make strategic investments to improve knowledge and understanding of critical geologic, environmental, and ecological systems needed by decision makers across the country.

**USGS Benefits Every State and Territory in The Union**

USGS is uniquely positioned to provide information and informed responses to many of the nation's greatest challenges and has a mission that positively impacts the lives of all Americans. USGS plays a crucial role in assessing water quality and quantity, reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards; providing emergency responders with geospatial data to improve homeland security; assessing mineral and energy resources (including rare earth elements and unconventional natural gas resources); and providing the science needed to manage our ecosystems and



combat invasive species that can threaten natural and managed environmental systems and public health.

Through its offices across the country, the USGS works with partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples of the USGS' valuable work are provided below.

### **Water Quality**

The Survey collects scientific information on water availability and quality to inform the public and decision makers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at over 21,000 sites, water-level data at over 1,000,000 wells, and chemical data at over 338,000 surface-water and groundwater sites. This information is needed to effectively manage freshwaters – both above and below the land surface – for domestic, public, agricultural, commercial, industrial, recreational, and ecological purposes.

### **Natural Hazards**

The USGS plays an important role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year. Seismic networks and hazard analysis are used to formulate earthquake probabilities and to establish building codes. USGS monitors volcanoes and provides warnings about impending eruptions that are used by aviation officials to prevent planes from flying into volcanic ash clouds. Data from the USGS network of stream gages enable the National Weather Service to issue flood and drought warnings. The bureau and its federal partners monitor seasonal wildfires and provide maps of current fire locations and the potential spread of fires. In domestic and global events, emergency managers and public officials rely on USGS to inform them of risks and hazards posed to human and natural systems.

### **Mineral and Energy Resources**

USGS assessments of mineral and energy resources – including rare earth elements, coal, oil, unconventional natural gas, and geothermal – are essential for making decisions about the nation's future. The Survey identifies the location and quantity of domestic mineral and energy resources, and assesses the economic and environmental effects of resource extraction and use. The agency is mapping domestic supplies of rare earth elements necessary for widespread deployment of new energy technologies, which can reduce



dependence on foreign oil. The USGS is the sole federal source of information on mineral potential, production, and consumption.

### **Land Management**

USGS science plays a critical role in informing sound management of natural resources on federal and state lands. The USGS conducts research and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use. Ecosystems science is also used to control invasive species and wildlife diseases that can cause billions of dollars in economic losses. The Survey provides information for resource managers as they develop management strategies for restoration and long-term use of the nation's natural resources in the face of environmental change.

### **Data Collection**

Research and data collected by the USGS is vital to predicting the impacts of land use and climate change on water resources, wildfires, and ecosystems. For 43 straight years, Landsat satellites have collected the largest archive of remotely sensed land data in the world, allowing for access to current and historical images that are used to assess the impact of natural disasters on communities and the environment and monitor global agriculture production. A 2013 National Research Council study found that the economic benefit of Landsat data was estimated to be \$2 billion for 2011 alone. The consistency of data sets like those provided by Landsat is vital for advances in science, more efficient natural resource management, and profitable applications of data in commerce and industry.

### **Enhanced Mapping for the Nation**

The USGS utilizes unique technologies that enable the nationwide collection of accurate terrain information. This information improves our knowledge of water supply and quality issues; better prepares emergency responders for natural disasters; and helps businesses utilize more accurate data for the development of alternative renewable energy projects. Modernized, high-resolution topographic maps are provided by the USGS through their 3D Elevation Program (3DEP). 3DEP, which is run by the USGS, leverages funds from the private sector and other Federal Agencies throughout the U.S. The initiative provides open-access elevation data to inform better flood-inundation maps, cost-effective precision farming, and the development of alternative renewable energy projects.



### **Public Health**

The USGS plays a critical role in maintaining public health at the local, state, and national level. For example, the agency assesses negative health effects caused by the dispersion of contaminants after natural and man-made disasters, such as hurricanes and oil spills. In one such instance, after Hurricane Sandy, the USGS provided soil, water, and sediment information to public health agencies to help them protect citizens from toxic contaminants.

### **Engaging the Next Generation of Scientists**

The USGS meets monthly with other Department of Interior (DOI) divisions to collaborate on projects that will engage the next generation of scientists. Collectively, the DOI is actively working to provide least 10 million students with educational, work, and training opportunities. In 2015, the USGS offered learning opportunities to 113,375 students and teachers in activities such as science fairs, mentoring opportunities, camps, and hands-on learning experiences. Programs such as the USGS's Cooperative Research Units (CRU) provide under-represented undergraduate students with mentoring and hands-on experience designed as a pathway to DOI recruitment.

### **Conclusion**

AGU is grateful to the House Interior Appropriations Subcommittee for its leadership in restoring past budget cuts and strengthening the USGS. We recognize the financial challenges facing the nation, but USGS has been historically strained by a large workload and too few resources. With our nation facing unprecedented challenges such as the loss of ecosystems, demand for limited energy, increasing vulnerability to natural hazards, and need for clean water, the work done by USGS is essential to our environmental, economic, and national security.

AGU respectfully requests that Congress work to provide \$1.17 billion for USGS in FY17. We appreciate the opportunity to submit this testimony to the Subcommittee and thank you for your thoughtful consideration of our request. For additional information, please contact Carissa Bunge at the American Geophysical Union, 202-777-7334 or [cbunge@agu.org](mailto:cbunge@agu.org).



american  
geosciences  
institute

connecting earth, science, and people

**Written Testimony  
American Geosciences Institute**

**Testimony Submitted by  
American Geosciences Institute**

P. Patrick Leahy, Executive Director

**To the United States House of Representatives  
Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

March 23, 2016

Thank you for this opportunity to provide the American Geosciences Institute's perspective on fiscal year (FY) 2017 appropriations for geoscience programs within the Subcommittee's jurisdiction. We ask the Subcommittee to support and sustain the critical geoscience work of the United States Geological Survey (USGS), the Bureau of Land Management (BLM), the National Park Service, and the Smithsonian Institution.

**Specifically, we ask that you support the President's request for \$1.2 billion for USGS, but we respectfully request that Congress place greater emphasis on the geological sciences within the USGS mission. AGI supports balanced funding for Mission Areas within USGS and notes that funding for important geoscience-based programs has consistently lagged funding for other parts of USGS. AGI also supports \$138 million for Energy and Minerals Management at the Bureau of Land Management; \$234 million for the National Park Service's Natural Resource Stewardship and Everglades Restoration activities; and \$922 million for the Smithsonian Institution.**

The Earth provides the energy, mineral, water, and soil resources that are essential for a thriving, innovative economy, national security, and a healthy population and environment. We must understand the Earth system, and particularly the geological characteristics of Earth's surface and subsurface, in order to sustain human health and safety, maintain energy and water supplies, and improve the quality of the environment while reducing risks from natural hazards.

AGI is a nonprofit federation of 51 geoscientific and professional associations that represent approximately 250,000 geologists, geophysicists, and other Earth scientists who work in industry, academia, and government. Founded in 1948, AGI provides information services to geoscientists, serves as a voice of shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to natural hazards, and the health of the environment.

## U.S. Geological Survey

AGI supports the President's request for \$1.2 billion for USGS. We respectfully suggest that Congress should allocate more resources to USGS's geoscience functions because there is no alternative source for this expertise. The key Mission Areas of Water Resources, Core Science Systems, and Energy & Mineral Resources have consistently been underfunded when compared to other USGS Mission Areas. AGI strongly supports the proposed increase for USGS Facilities to maintain essential scientific facilities, including monitoring and observation instrumentation. We urge additional funding for the USGS Library, which is an important and unique resource for researchers and industry.

**Importance of Geoscience Functions at USGS:** The need for geological information has not diminished since USGS was established in 1879. On the contrary, as we place increasing demands on Earth's system, many critical decisions rely upon geoscience information. The USGS has a wide-ranging mission to provide objective data, observations, analyses, assessments, and scientific solutions to support decision making; while there is merit to USGS's broad remit, its unique geological mission should be paramount.

Table 1 highlights the Mission Areas that have been singled out for lower increases than other sections of USGS since FY 2014; we note that these contain the majority of USGS's geoscience functions. We respectfully ask Congress to recognize the importance of geoscience research, monitoring, information collection and analysis to the nation's safety, economy, defense, and quality of life, and to support USGS's mandated role by funding balanced investment in USGS programs.

<i>USGS Mission Area or Account</i>	<i>FY 2014 Enacted</i>	<i>FY 2015 Enacted</i>	<i>FY 2016 Enacted</i>	<i>% change, FY 14-16</i>	<i>FY 2017 request</i>	<i>% change, FY 16 Enacted – FY17 request</i>	<i>% change, FY14 Enacted–FY17 request</i>
Climate & Land Use	131,975	135,975	139,975	6.1	171,444	22.4	29.9
Environmental Health	19,614	21,445	21,445	9.3	24,560	15	25.2
Ecosystems	152,811	157,041	160,232	4.9	173,938	10.1	13.8
Natural Hazards	128,486	135,186	139,013	8.2	149,701	7.8	16.5
<b>Water Resources</b>	<b>207,281</b>	<b>211,267</b>	<b>210,687</b>	<b>1.6</b>	<b>227,992</b>	<b>7</b>	<b>10</b>
<b>Core Science Systems</b>	<b>108,807</b>	<b>107,228</b>	<b>111,550</b>	<b>2.5</b>	<b>118,395</b>	<b>6.2</b>	<b>8.8</b>
<b>Energy, Minerals</b>	<b>71,901</b>	<b>70,826</b>	<b>73,066</b>	<b>1.6</b>	<b>74,923</b>	<b>2.5</b>	<b>4.2</b>
Science Support	110,704	105,611	105,611	-4.6	110,592	4.7	0
Facilities	100,421	100,421	100,421	0	117,258	16.8	16.8
<b>Total USGS</b>	<b>1,032,000</b>	<b>1,045,000</b>	<b>1,062,000</b>	<b>2.9</b>	<b>1,168,803</b>	<b>10.1</b>	<b>13.3</b>
Mission Areas that are consistently funded below USGS-wide increases.							

**Table 1:** Trends in funding for USGS Mission Areas and Accounts, FY 2014 – FY 2017 request.

### Core Science Systems Mission Area:

- **USGS Library:** The USGS Library is a vital resource for geoscientists within and outside USGS, servicing hundreds of thousands of requests online and in person annually, yet staffing has fallen from 66 federal staff (FTE) in 2000 to 18 FTE in 2015. AGI supports increased funding for the USGS Library, which serves industry, academia, and government clients and preserves the intellectual stock of the geosciences.

- **National Geospatial Program:** Topographic mapping has been a core activity at USGS since its inception. AGI strongly supports the 3D Nation interagency partnership to build a modern elevation map of the nation's territories and urges Congress to support USGS's contribution, the 3DEP (3D Elevation) program. **AGI strongly supports investment in lidar and ifsar mapping, and the President's request for \$69 million for the National Geospatial Program.**
- **National Cooperative Geologic Mapping Program (NCGMP):** This important, decades-long partnership between the USGS, state geological surveys, and universities has a proven track record of delivering cost-effective geological maps. Over the past few years the number of grant proposals has increased while funding has remained stagnant. **AGI asks that Congress increase funding for the National Cooperative Geologic Mapping Program to \$30 million in FY 2017 to meet growing demand.**
- **Data Preservation:** The National Geological and Geophysical Data Preservation Program (NGGDPP) produces more value in terms of economic, environmental, hazard mitigation, and regulatory efficiency than it costs to run. **AGI urges Congress to reauthorize NGGDPP and to fund it at the previously authorized level of \$3 million.**

**Energy and Mineral Resources Mission Area:**

- **Mineral Resources Program:** AGI is a founding member of the Minerals Science and Information Coalition (MSIC), which supports minerals expertise in the federal government. We are concerned at the dearth of investment in this foundational component of the manufacturing supply chain, which is critical to our national economy and defense. **AGI supports the President's request for \$49 million for the Mineral Resources Program and asks that Congress add \$5 million in new funding to create minerals forecasting capabilities.**  
There is no point developing new materials if we cannot supply the raw materials to manufacture them. **AGI suggests the creation of a Critical Minerals Hub, with funding of \$25 million per year for 5 years, to match the Critical Materials Hub in the Department of Energy.**
- **Energy Resources Program:** AGI supports increased funding for the Energy Resources Program. We note the importance of research on gas hydrates, which may play a significant role in future energy and climate scenarios. **AGI supports funding of \$286 million for the Energy Resources Program.**
- We urge USGS to develop opportunities to collaborate effectively with other agencies, including integrating more geological information with DOE's Subsurface Technology and Engineering (SubTER) crosscut, to ensure prudent use of federal funds.

**Climate and Land Use Mission Area:**

- **Land Remote Sensing Program:** One of the most fundamental concepts in the geosciences is that the Earth changes through time. It is impossible to overstate the importance of long-term, consistent monitoring of the Earth to provide a sound basis for decision making. **AGI supports the President's request for \$96.5 million for the Land Remote Sensing Program, which includes Landsat and other Earth observing systems.**

**Water Resources Mission Area:**

- Challenges in water supplies and water quality highlight the importance of understanding the quality, quantity, and distribution of our groundwater and surface water resources. **AGI urges Congress to ensure the continuity and expansion of nationwide, long-term data collection and research programs that support water planning and decision making across all states, and to fund Water Resources at \$228 million for FY 2017.**

**Natural Hazards Mission Area:**

- Landslide hazards are assessed using detailed topographic data from the National Geospatial Program. **AGI supports the proposed increase to \$8 million for the Landslides Hazards Program** in order to reap societal benefits from investments in geospatial information.
- Earthquakes are increasing in states like Oklahoma and Kansas, and early warning systems are needed to avoid potential devastation from large earthquakes. **AGI supports funding for the Earthquake Hazards Program of \$60.5 million.**
- **AGI supports robust funding of the Natural Hazards Program and urges Congress to appropriate \$139 million to this Mission Area.**

**Bureau of Land Management**

AGI notes efforts by the Energy and Minerals Management program to improve the return to taxpayers from the extraction of natural resources on our nation's public lands. **AGI supports funding the Energy and Minerals Management activity at \$138 million.**

**Smithsonian Institution**

The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. **AGI supports the President's request of \$922 million for the Smithsonian Institution in FY 2017.**

**National Park Service**

National parks are very important to the geoscience community and the public as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for research, education, and outdoor activities. **AGI supports the President's request for \$224 million for Natural Resource Stewardship activities and \$10 million for Everglades Restoration during the centennial year of the National Parks.**

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact Maeve Boland at 703-379-2480, ext. 228 voice, 703-379-7563 fax, mboland@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

**Testimony in Support of FY 2017 Funding for the  
United States Geological Survey, United States Forest Service, and  
Environmental Protection Agency**

**March 23, 2016**

**Submitted by:  
Julie Palakovich Carr  
Public Policy Manager  
and  
Robert Gropp, Ph.D.  
Interim Co-Executive Director**

**American Institute of Biological Sciences  
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**Submitted to:  
House Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies**

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the United States Geological Survey (USGS), United States Forest Service (USFS), and Environmental Protection Agency (EPA) for fiscal year (FY) 2017. We encourage Congress to provide the USGS with at least \$1.2 billion in FY 2017 and \$173.9 million for the Ecosystems activity. We further request that Congress provide the USFS Forest and Rangeland Research program with at least \$296.0 million, and EPA Science and Technology with at least \$754.2 million.

The AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to and use information that will guide them in making informed decisions about matters that require biological knowledge. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. Today, AIBS has individual members and more than 140 member organizations with a combined individual membership of more than 200,000. The organization is headquartered in Reston, Virginia, with a Public Policy Office in Washington, DC.

### **U.S. Geological Survey**

The USGS provides unbiased, independent research, data, and assessments that are needed by public and private sector decision-makers. Data generated by the USGS save taxpayers money by reducing economic losses from natural disasters, allowing more effective management of water and natural resources, and providing essential geospatial information that is needed for

commercial activity and natural resource management. The data collected by the USGS are not available from other sources and our nation cannot afford to sacrifice this information.

The Ecosystems activity within USGS underpins the agency's other science mission areas by providing information needed for understanding the impacts of water use, energy exploration and production, and natural hazards on natural systems. The USGS conducts research on and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use.

Biological science programs within the USGS gather long-term data not available from other sources. The knowledge generated by USGS programs is used by federal and state natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Examples of successful USGS Ecosystem initiatives include:

- Development of comprehensive geospatial data products that characterize the risk of wildfires on all lands in the United States. These products are used to allocate firefighting resources and to plan wildfire fuel reduction projects.
- Identification and evaluation of control measures for Asian carp, sea lamprey, Burmese pythons, and other invasive species that cause billions of dollars in economic losses annually.
- New insights on the spread of avian flu, chronic wasting disease, and other diseases spread by wildlife in North America.

The requested FY 2017 budget would support several important ecosystem science priorities within USGS. Science in support of critical landscapes, such as the Arctic and sage steppe, would be boosted. The budget would also focus research efforts on emerging invasive species and the declining status of native pollinators.

New funding is proposed for the Cooperative Research Units to provide undergraduate students with hands on training in research. These efforts would complement the existing focus on graduate education. Roughly 500 graduate students each year receive training at Cooperative Research Units. Through the units, the USGS and their partners address pressing issues facing natural resource managers at the local, state, and federal levels. Examples of recent research initiatives include studying the impacts of wildfires on forest ecology and studying the effects of the Gulf of Mexico oil spill on wildlife and fisheries. The program is an efficient use of resources: Each federal dollar invested in the program is leveraged more than five-fold.

In summary, the USGS is uniquely positioned to provide a scientific context for many of the nation's biological and environmental challenges, including water quality and use, energy independence, and conservation of biological diversity. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. An investment of \$1.2 billion in the USGS and at least \$173.9 million in the Ecosystems activity will yield dividends.

### **U.S. Forest Service**

United States Forest Service research provides scientific information and new technologies to support sustainable management of the nation's forests and rangelands. These products and services increase the basic biological and physical knowledge of the composition, structure, and function of forest, rangeland, and aquatic ecosystems.

Although the FY 2017 budget request would increase funding for Forest Service research by \$1.0 million, six of the seven Forest Service research program areas are targeted for budget cuts of two percent. Research on wildfires, invasive species, and resource management would be impacted.

Moreover, the proposed budget would transfer \$3.0 million from Forest and Rangeland Research to the Joint Fire Science Program—a program that has previously been funded from other sources.

We ask Congress to fund the Forest and Rangeland Research program at \$296.0 million, the same amount as in FY 2015. Continuing to scale back research efforts is a lost opportunity for USFS to fulfill its mission to sustain the health, diversity, and productivity of the nation's forests and grasslands.

### **Environmental Protection Agency**

Funding for EPA Science and Technology supports valuable research that is used to identify and mitigate environmental problems facing our nation. EPA research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. In short, this program provides the scientific basis upon which EPA monitoring and enforcement programs are built.

Despite the important role of the Science and Technology appropriation, the proposed funding level for FY 2017 is less than the program received in FY 2004. The EPA Science Advisory Board has expressed concern repeatedly about the long-term decline in research funding at EPA. "These limitations pose a vulnerability for EPA at a time when the agency faces significant science questions with long-term implications for protecting the environment and public health."

We also encourage Congress to restore funding for two valuable training opportunities for students. Funding was eliminated in FY 2016 for EPA Science to Achieve Results (STAR) graduate fellowships and Greater Research Opportunities undergraduate fellowships. The National Academy of Sciences called the STAR fellowship "a valuable mechanism for enabling a continuing supply of graduate students in environmental sciences and engineering." The elimination of these programs will be detrimental to preparation of the next generation of environmental scientists and engineers. We ask for the program to be reinstated.

Thank you for your thoughtful consideration of this request.

Harold Wimmer  
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[Erika.Sward@Lung.org](mailto:Erika.Sward@Lung.org)  
 FY 2017  
 American Lung Association  
 U.S. House of Representatives  
 Committee on Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies  
 Environmental Protection Agency

Federal Support for Air Quality Management – \$171 million  
 Categorical Grants: State and Local Air Quality Management – \$268.2 million  
 Categorical Grants: Tribal Air Quality Management – \$12.829 million  
 Climate Protection Program – \$115.9 million  
 Diesel Emissions Reduction Grant Program – \$100 million  
 Categorical Grant: Radon – \$8.1 million  
 Federal Vehicle Fuels Standards and Certifications Programs – \$103.6 million  
 Compliance Monitoring – \$111.3 million  
 Enforcement – \$282.7 million

The American Lung Association is pleased to present our recommendations for Fiscal Year 2017 (FY17) to the Interior, Environment, and Related Agencies Appropriations Subcommittee. The work to monitor and clean up harmful air pollution funded by this subcommittee will prevent asthma attacks, emergency room visits, hospitalizations, and premature deaths across the country. Founded in 1904 to fight tuberculosis, the American Lung Association is the oldest voluntary health organization in the United States. The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease through education, advocacy and research.

#### **Support and Defend EPA's Programs to Address Climate Change and Improve Air Quality**

Mr. Chairman, the Clean Air Act is a key public health safeguard. It is especially important for populations most at risk, including those with asthma and other lung diseases; children; older adults; people living in low-income communities; people who work, exercise or play outdoors; and people with heart disease and diabetes. We urge you to invest in protecting public health from the impacts of dangerous air pollution. **We also urge you to reject any policy riders that would block, delay or weaken EPA's ability to save lives and improve public health by reducing air pollution**, including carbon pollution from power plants and ground-level ozone pollution.

### State, Tribal, and Local Government Work to Improve Air Quality

The American Lung Association requests that the subcommittee provide **\$171 million for Federal Support for Air Quality Management**. The Federal Support for Air Quality Management Program assists states, tribes, and local air pollution control agencies in the administration of programs and standards to protect the air we breathe. States have the primary responsibility for developing clean air measures necessary to meet federal standards, but rely on support and assistance from EPA to create effective comprehensive air quality management programs. The EPA also supports training for state, tribal, and local air pollution professionals on rulemakings and other significant actions.

The American Lung Association also requests that the subcommittee provide **\$268.2 million for Categorical Grants: State and Local Air Quality Management** and **\$12.829 million for Categorical Grants: Tribal Air Quality Management**. State, local and tribal air pollution agencies need more funding, not less, to ensure proper protection of the public through implementation of the Clean Air Act. These agencies are on the front lines of vital efforts to improve air quality and protect public health, yet they are perennially underfunded. This must change in order to secure the benefits promised by Clean Air Act protections.

### Climate Change

Climate change is one of the greatest threats to public health, including lung health. The health threats posed by climate change include worsened air pollution, the spread of diseases into new areas, stronger and longer heat waves, and more frequent and severe droughts. The EPA has a critical role to play in reducing carbon pollution, methane, and other climate pollutants and must have the resources needed to meet the challenge ahead. Reducing climate pollutants will save lives and protect health. We request that the subcommittee provide **\$115.9 million for the Climate Protection Program**.

### Radon

Radon is the second leading cause of lung cancer in the United States, and the EPA's State Indoor Radon Grants are the only nationwide program that helps prevent exposure to it. States and tribes depend on this program as well as technical assistance through the Radon Programs to educate the public and fight this deadly carcinogen. In 2003, the National Academy of Sciences estimated that radon kills 21,000 people each year. We request that the subcommittee provide **\$8.1 million for the Categorical Grant for Radon**.

### Reducing Pollution from Vehicles

We request that the subcommittee provide **\$100 million for the Diesel Emissions Reduction Grant Program**. Ten million old diesel engines are in use today that pollute communities and threaten workers. Immense opportunities remain to reduce diesel emissions through the DERA program. The Subcommittee's continued investments in this program have yielded up to \$13 of public health benefit for every \$1 spent on diesel projects, according to an EPA report to Congress from February 2016.

The American Lung Association also requests that the subcommittee **fully fund EPA's Federal Vehicle Fuels Standards and Certifications Programs at \$103.6 million**, particularly to improve the effectiveness of the certification and compliance testing programs in the face of increasing demand, more challenging oversight requirements, and the increasing diversity of technologies. Currently, EPA conducts very limited testing of small imported engines, but a high fraction of these engines fail the


test. Additional resources are needed to improve testing, including on-road testing, and compliance for this important program to protect public health.

#### **Monitoring and Enforcement**

The American Lung Association requests that the subcommittee provide **at least \$111.3 million for EPA's Compliance Monitoring & \$282.7 million for Enforcement**. To protect public health, EPA must ensure that air pollution standards and requirements are met. EPA must, therefore, have the ability and funding needed to reduce non-compliance, as well as enforce penalties for violations. EPA must also be prepared to respond to civil enforcement actions authorized by the Clean Air Act.

#### **Conclusion**

Mr. Chairman, air quality is crucial for health. Air pollution can harm anyone, but is particularly dangerous for children, people over 65, people with asthma and other chronic lung diseases, people with cardiovascular disease and diabetes, people living in poverty, and people who work or exercise outdoors. Our nation has made significant progress in reducing levels of dangerous outdoor air pollution. We urge this subcommittee to continue making investments into EPA's life-saving work toward fulfilling the promise of the Clean Air Act: healthy air for all to breathe.





## Statement for the Record

American Public Works Association

House of Representatives Committee on Appropriations

Hearing on

*Environmental Protection Agency Fiscal Year 2017 Budget*

March 23, 2016

**Statement for the Record**  
**House Committee on Appropriations**  
***Environmental Protection Agency Fiscal Year 2017 Budget***

**March 22, 2016**

The American Public Works Association (APWA) is pleased to provide the following statement to the House Appropriations Committee on the Environmental Protection Agency's (EPA) Fiscal Year 2017 Budget.

APWA is an organization dedicated to providing public works infrastructure and services to millions of people in rural and urban communities, both small and large. Working in the public interest, APWA's more than 29,000 members plan, design, build, operate and maintain our vast water infrastructure network, as well as other key infrastructure assets essential to our nation's economy and way of life.

Healthy and prosperous communities require access to clean drinking water. Water supply, wastewater treatment systems, and stormwater facilities are in need of financial assistance to improve drinking water facilities, capabilities for wastewater treatment and treatment of urban runoff. The needs are clear. Pipes, stormwater ponds, sanitary sewers and water treatment plants nationwide are overburdened or deteriorating and aging. As recent events around the country show, water infrastructure is a vital part of ensuring public health and protecting the environment.

**Funding Stream Consistency Is Imperative**

We favor stable sustainable funding levels for the federal programs that help water utilities design, build, operate, and maintain their infrastructure. We appreciate the budgetary constraints the committee is contending with, but action must be taken over the long-term to close the gap between water infrastructure needs and available resources.

Improvements in the administration of the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA) are needed to make these programs more efficient, cost effective and understandable and to provide for continued public health and environmental protection. Critical to the success of implementation and administration of the SDWA and the CWA is the investment in the infrastructure for drinking water, wastewater and stormwater treatment and conveyance to address contaminants that are a real health and environmental concern. State Revolving Funds and direct grant funding sources are important to ensuring the viability of all treatment facilities and the protection for sources of drinking water supplies. Increased federal investment to address the projected shortfall in infrastructure funding is essential to addressing the backlog of critical clean water projects, meeting unfunded federal mandates, improving utility management based on state determined priorities and continuing to provide all Americans with safe, reliable water infrastructure systems nationwide.

Thoughtful consideration must be given to the costs and benefits of any initiative to ensure it can and should be supported by public money and staffing resources at any governmental level. Consumer costs associated with water, wastewater and stormwater systems are rapidly approaching a point where daily operations and maintenance expenses exceed the ability for low and moderate income level families to keep up with ever increasing rate structures.

Finally, water, wastewater and stormwater managers must answer the call to their communities and elected officials in communicating funding and project requirements to progressively advance their infrastructure funding needs. Providing this insight is vital to provide a complete and accurate picture of a community's water, wastewater and stormwater infrastructure investment needs.

### **Scarce Taxpayer Dollars Must Be Used Efficiently**

APWA believes that drinking water, wastewater and stormwater systems will require healthy funding to meet future needs and must be guided by the following principles:

**State Revolving Funds** - APWA encourages Congress to work towards continued funding of this vital source of financial assistance to water, wastewater and stormwater systems.

Additionally, APWA encourages Congress to require the EPA to assure that:

- (1) Repayment interest rates to local systems are actually lower than conventional revenue and general obligations bonds; and
- (2) The application and audit process for local systems is also comparable to conventional bond funding;
- (3) Establishment of a national maximum interest rate for the SRF during this period of economic strife having caused individual state bond rates to rise where state ratings influence the interest rate of the SRF Program Funds.

**Clean Water Trust Fund** – APWA supports efforts seeking a dedicated, well-funded and deficit neutral Trust Fund to address the wastewater infrastructure funding needs of the nation's communities. APWA strongly advocates for a clear articulation of the roles, responsibilities and administration of the Trust Fund by all governmental partners to ensure the proper allocation and distribution of these monies to local communities so that they may address their wastewater funding investment priorities. Particularly the trust fund should provide 50% grants to local communities in conjunction with SRF loans to help finance projects in order to meet CWA requirements.

Dedicated revenue for a clean water trust fund should be from sources that are: long-term, reliable and sustainable, fair and equitable and provided from the national economy. A tax on local governments or their water, wastewater and stormwater utilities or services should be strongly opposed.

**Water Infrastructure Finance and Innovation Act** – APWA supports the innovative and new Water Infrastructure Finance Innovation Act (WIFIA) because it will offer an additional vehicle for funding large projects that are often excluded from SRF funding. However, it is essential that the SRF programs are also reauthorized to continue to provide funding for those projects that would not qualify for WIFIA funding and that WIFIA be complementary to the existing SRF

programs. The existing SRF programs are a proven and reliable source of funding for essential water, wastewater and stormwater infrastructure projects across the county. Strong, well-funded SRF programs in combination with alternative funding tools are vital to address the current water, wastewater and stormwater infrastructure funding crisis.

**Water Infrastructure and Resiliency Finance Center** – APWA supports EPA's new Water Infrastructure and Resiliency Finance Center, which is a key component of the Build America Investment Initiative. This initiative recognizes the trends of growing costs and increasing resource pressures on regulated communities. APWA supports the development of regional Environmental Finance Centers (EFCs) to provide environmental finance expertise and outreach to regulated communities, with the goal of creating opportunities for state and local governments and the private sector to collaborate, expand public-private partnerships, and increase the use of federal credit programs.

**Financial Capability Assessment Framework** – The Financial Capability Assessment Framework issued by EPA in November 2014 recognizes the ever increasing financial burden on regulated communities for CWA compliance. While previous financial capability assessments focused on combined sewer systems, the new guidance recognizes the cost of other municipal programs, such as sanitary sewer overflows, ongoing asset management or system rehabilitation programs, separate stormwater collection systems and other CWA obligations required by state or other regulators. APWA supports the consideration of costs for all CWA obligations during the permitting or enforcement process, including the development of a definitive affordability model or regional affordability indexes.

Further, APWA encourages systems to provide qualified, certified operators. To that end, EPA is encouraged to provide additional training for operators through various venues including state programs, associations, and private industry.

### **Conclusions**

The American Public Works Association urges Congress and the Administration to preserve and enhance the federal investment in our nation's water infrastructure. Building the infrastructure needed to support our economic health, welfare and safety takes several years, even decades to implement. Action is needed now to identify ways to leverage scarce taxpayer dollars for making improvements to our nation's water infrastructure.

Our nation cannot enjoy the significant health improvements made in the last two-hundred years if our water infrastructure is left inadequate and crumbling. Investing to improve and repair our deteriorating water infrastructure network will preserve these health improvements, guard our quality of life, and protect the environment. We commend you for bringing focus to the issue by holding this hearing. APWA is hopeful Congress understands the key role long-term financing plays in the health of our nation's water infrastructure. Thank you for your consideration of our comments.



## **WRITTEN TESTIMONY**

### **House Appropriations Subcommittee on Interior, Environment, and Related Agencies Fiscal Year 2017**

**Submitted by: Nancy Perry, Senior Vice President, Government Relations  
American Society for the Prevention of Cruelty to Animals  
March 23, 2016**

On behalf of our 2.5 million supporters, the American Society for the Prevention of Cruelty to Animals (ASPCA) appreciates this opportunity to submit testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies. Founded in 1866, the ASPCA is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. We request that the Subcommittee consider the following concerns when making FY2017 appropriations.

### **Wild Horses and the BLM**

In the 45 years since Congress charged the Bureau of Land Management (BLM) with protecting our country's wild horses and burros, Americans have witnessed the agency's Wild Horse and Burro Program deteriorate into a continuous cycle of roundups and removals with little regard for the preservation-focused mandate specified in the Wild Free-Roaming Horses and Burros Act. Our wild horses and burros should be revered as historical icons, treated humanely, and managed fairly and respectfully on our public lands. We appreciate BLM's recognition of the great need for reform in the Wild Horse and Burro Program. We are encouraged by BLM's interest in incorporating the use of on-the-range management methods, such as immunocontraception, and in identifying alternatives to the confinement of wild horses in long-term holding facilities. However, the implementation of additional significant reforms must be immediate and effective.

### ***Prohibit BLM funding for euthanasia or sale of wild horses as management methods***

In December 2004, Congress passed the Consolidated Appropriations Act for Fiscal Year 2005, which amended the Wild Free-Roaming Horses and Burros Act to allow for the sale of certain wild horses and burros. This instant transfer of title from the U.S. government to the individual purchaser revokes the animal's status as a protected equine and leaves mustangs vulnerable to the still-thriving horse slaughter industry. Additionally, in 2008, BLM publicly announced that, for the first time, it was considering using its statutory authority to destroy old, sick, or unadoptable wild horses and burros by implementing mass euthanasia as a population control method. The public uproar that followed forced BLM to quickly withdraw the proposal. However, both the sale provision and the language allowing for the destruction of wild horses and burros remain in the law.

In September 2012, published reports revealed that since 2009, the BLM had sold more than 1,700 captured mustangs – 70% of the total number of animals sold since the program's onset – to a single Colorado livestock hauler known to be a longtime kill buyer for the horse slaughter

industry.<sup>1</sup> Although BLM has since implemented measures to prevent the sale of such a large number of horses to one individual, Congress must send a clear message that the slaughter of our nation's wild horses and burros is a gross violation of the Wild Free-Roaming Horses and Burros Act. In past appropriations bills, Congress has repeatedly confirmed its opposition to the slaughter of our nation's wild horses and burros; it did so most recently in the FY2016 Consolidated Appropriations Act, the current funding vehicle for the Department of Interior. The President's FY2017 budget request also includes an administrative provision to bar appropriations for the euthanasia of healthy horses and their sale to slaughter. **The ASPCA requests that the Subcommittee continue to include the following language, present in both the President's budget request and previous appropriations bills: "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products."**

***Prioritize on-the-range management over roundup and removal***

The Wild Free-Roaming Horses and Burros Act makes clear that on-the-range management should be preferred over roundup and removal as the primary method of wild horse management. BLM has multiple options to make that happen.

The ASPCA realizes that population control is necessary in some circumstances, and we appreciate BLM's public acknowledgement that fertility control methods must be a significant part of wild horse population management. Porcine Zona Pellucida (PZP), the contraceptive vaccine that has been used for decades to manage horse and deer populations, is registered by EPA and commercially available. In FY2015, BLM administered 469 fertility control treatments, a decrease from nearly 1,200 treatments three years prior.<sup>2</sup> If PZP is to be a serious part of the solution, its use must be increased to levels that will significantly impact population growth. A 2013 National Academy of Sciences report noted the promising capabilities of this and other forms of chemical fertility control.<sup>3</sup> **The ASPCA recommends that the Subcommittee direct BLM to prioritize the use of humane, reversible fertility control when necessary to stem the population growth of wild horse or burro herds.**

Included in the administration's FY2017 budget request is an unsettling new proposal from BLM. If included in the Interior Appropriations bill, this language would allow for the immediate transfer of wild horses and burros as "working animals" to state, federal, and local agencies.<sup>4</sup> This language would set a dangerous precedent, allowing for the immediate disposition of any wild equine that has been removed from the range. This means thousands of

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<sup>1</sup> "All the Missing Horses: What Happened to the Wild Horses Tom Davis Bought From the Gov't?" ProPublica: September 28, 2012.

<sup>2</sup> "Wild Horse and Burro Quick Facts." U.S. Department of the Interior, Bureau of Land Management. March 23, 2016. [http://www.blm.gov/wo/st/en/prog/whbprogram/history\\_and\\_facts/quick\\_facts.html](http://www.blm.gov/wo/st/en/prog/whbprogram/history_and_facts/quick_facts.html)

<sup>3</sup> "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward." National Research Council. The National Academies Press, 2013.

<sup>4</sup> Department of the Interior Budget Estimate, Fiscal Year 2017. <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2017/assets/int.html>

wild horses could be instantly stripped of their legal protections and could easily fall victim to slaughter, as we know has happened to others in the past. Additionally, this language fails to address the program's true need – better on-range management of the wild horse population through NAS-recommended methods such as immunocontraception. **The ASPCA strongly encourages the Subcommittee to prioritize humane on-range management methods as it crafts the FY2017 Interior appropriations bill.**

Testimony of

**Mr. Frank Lesh**

**Executive Director, American Society of Home Inspectors**

Regarding

**EPA FY17 Appropriations for the State Indoor Radon Grant Radon**

**"SIRG" Program**

Thursday, March 24, 2016

On behalf of the American Society of Home Inspectors, I am pleased to submit testimony in support of EPA funding for the State Indoor Radon Grant (SIRG) program and proposed language offered by the American Association of Radon Scientists and Technologists (AARST) to improve the impact of SIRG funding.

ASHI is the oldest and most respected professional association for home inspectors in North America, with 6,000+ members and 80+ chapters.

ASHI has a goal of building consumer awareness and enhancing the professionalism of its field.

ASHI's Standard of Practice—covering a home's major systems—are now part of many pieces of state legislation and are recognized by consumers as the authoritative standard for professional home inspection. The mission of ASHI is to meet the needs of its membership and promote excellence and exemplary practice within the profession.

ASHI serves as the voice of the home inspection profession in America, a thought leader in proposing legislation and federal policy enhancements designed to help homebuyers make knowledgeable decisions in buying homes.

ASHI participated in the development of the National Radon Action Plan, or NRAP.

ASHI supports continued funding for SIRG at the \$8.1 million level as in FY16.

ASHI supports and endorses AARST's recommendations for language to improve SIRG impact with respect to grant award criteria and priorities, training, schools and awareness for professionals.

The AARST recommendations cite ASHI by name. ASHI will be pleased to do whatever we can as an association and professional advocacy organization to help make the training and awareness/education elements of the SIRG program a success.

ASHI and its members would be pleased to participate in these advancements, and in particular the training and awareness of professionals components. ASHI would be in a position among similarly situated organizations to provide the training needed for quality radon education and testing. We foresee and increase in demand for radon-related professional services as SIRG becomes increasingly impactful. ASHI is fully committed to helping satisfy these needs.

ASHI home inspectors routinely address a wide array of issues that are related to health and safety in homes. Radon is among the most important. Many ASHI home inspectors routinely conduct radon testing for their homebuying clients.

But we know the sale of a home should not be the only event that should cause homeowners to consider the radon status of the home. We support efforts to educate homebuyers who plan to continue to live in their current homes indefinitely.

We applaud the efforts of this committee to elevate the public awareness of radon and radon-induced lung cancer and to improve the national radon abatement infrastructure to reduce the impact of radon in America.



# Animal Welfare Institute

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**Testimony to the U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies for Fiscal Year 2017  
Christopher J. Heyde, Deputy Director of Government and Legal Affairs, March 23, 2016**

## **Wild Free-Roaming Horses and Burros Act**

The Bureau of Land Management continues to round up wild horses and warehouse them on private lands at great public expense. This is not a humane or responsible solution, and this Committee has called on the BLM to implement humane on-the-range solutions. Since some progress has been made, we are concerned that the BLM's proposed \$572,000 decrease for Wild Horse and Burro Management could put any advances at risk. We ask the Committee to fund the BLM at FY16 levels and to urge it to continue exploring more effective and longer lasting fertility control agents. We understand the desire to explore alternatives to warehousing tens of thousands of healthy wild horses but oppose Sec. 110 "Transfer of Excess Horses" of the FY17 budget. This language is unnecessary and could result in once-protected wild horses ending up in slaughter, a practice this Committee has long opposed. Thousands of healthy and viable wild horses, not bound by limitations of the Act, are currently being held by the BLM and are already available for sale to other federal, state, and local entities. The Committee should encourage the BLM to explore this option before changing the Act. Should this option be considered, the Committee must ensure safeguards are established to ensure wild horses sold to other agencies are also protected from slaughter. Finally, we strongly support the continued inclusion of this "no-kill" language to ensure that BLM does not kill healthy wild horses and burros: *Provided, that appropriations herein made shall not be available for the sale or destruction of healthy, unadopted wild horses and burros in the care of the Bureau or its contractors.*

## **Fish and Wildlife Service – National Wildlife Refuge System – Signage and Reporting**

We support the Administration's request of \$506.6 million for operating and maintaining the National Wildlife Refuge System (NWRS), which generates \$2.5 billion in economic impacts and \$342.9 million in tax revenues. To further enhance the NWRS's stated purpose of conserving wildlife (including species threatened with extinction), and to ensure that National Wildlife Refuges are safe for the millions of Americans who visit these public lands each year, we request the inclusion of the following report language, which is geared towards promoting public safety and greater transparency regarding the use of body-gripping traps on wildlife refuges. Currently, over half of the System's 563 refuges allow trapping. Steel-jaw leghold traps, Conibears, and strangulation snares pose distinct risks to humans, wildlife, and other animals (e.g., pets) given their indiscriminate nature and the trauma such devices inflict upon individuals or animals captured in these traps.

Trapping Report Language: The Committee directs the Fish and Wildlife Service to comply with the following for any refuge unit within the National Wildlife Refuge System that allows the use of body-gripping traps: The Service shall post sufficient signage on the physical premises to protect visitors to the refuge, including children and pets; the Service shall post notice of any refuge that allows body-gripping traps on the System website and on the website of the relevant refuge. No later than one year after the enactment of this legislation, the Service shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that provides the following information relating to the use of any body-gripping trap in the System for the preceding fiscal year: The

identification of any refuge in which the use of a body-gripping trap was authorized; the purpose for such use, such as for management, recreational, or commercial purposes; a description of any non-lethal control methods used before authorization was granted for management purposes; the types of body-gripping traps used; trap-check time requirements; the number of Special Use Permit Applications granted, either by Service Region or by state, to engage in trapping on a National Wildlife Refuge; the number and species of target and non-target animals that were captured in body-gripping traps on refuges; and a description of any injuries sustained by target and non-target animals caused directly or indirectly by the capture in body-gripping traps. The Committee encourages the Service to continue collecting the aforementioned data and information regarding the use of body-gripping traps in the System on an annual basis.

#### **Fish and Wildlife Service – Office of Law Enforcement – \$75.1 million**

The FWS Office of Law Enforcement (OLE) is one of the most important lines of defense for wildlife both at home and abroad. OLE enforces over a dozen federal wildlife and conservation laws that frequently impact both domestic and global security. Year after year, OLE protects the public against the illegal trade in wildlife and wildlife products – which ranks third only to the illicit trade in narcotics and weapons in terms of global revenue – and the U.S. remains a source of, or destination for, much of this contraband. Even those who may not concern themselves with wildlife are reaping benefits as OLE protects against smuggling illegal substances and helps to thwart potentially devastating human health threats. We support FWS's proposed appropriation of \$75.1 million for OLE, a modest increase of \$328,000 over the 2016 enacted level. Ensuring that OLE receives adequate funding is crucial in terms of supporting the work of Special Agents and Wildlife Inspectors, and enhancing FWS's ability to combat wildlife trafficking.

#### **Fish and Wildlife Service – International Affairs – Wildlife Trafficking – \$500,000 increase**

Combating increased wildlife trafficking is a high priority for the Administration and Congress. Congress in particular (with strong bipartisan support) has taken important steps in this regard, e.g., the House of Representatives passing H.R. 2494, the Global Anti-Poaching Act earlier this session. Wildlife trafficking threatens not only species conservation, but also global security given its close association with terrorism and criminal syndicates. With poaching reaching unprecedented levels, domestic and international governments and private entities have turned to FWS for leadership in coordinating, guiding, and implementing a response. This funding increase will help provide financial assistance to projects in foreign countries that advance counter wildlife trafficking activities as outlined in the National Strategy for Combating Wildlife Trafficking and actions articulated in the Implementation Plan. The goal is to continue efforts to build further capacity and partnerships for species conservation. Such measures are in concert with the aims of the Global Anti-Poaching Act and other bills under consideration this Congress, which would facilitate partnerships between the U.S. government and foreign countries fighting terrorist organizations and international crime syndicates that profit from wildlife trafficking.

#### **White-Nose Syndrome (WNS)**

**U.S. Fish and Wildlife Service** – \$4,500,000 total; \$2 million in Endangered Species Recovery; \$2.5 million in Service Science | **U.S. Geological Survey** – \$1,501,000 in Ecosystems/Wildlife | **National Park Service** – \$3,155,000 in Natural Resource Stewardship | **Bureau of Land Management** – \$500,000 | **U.S. Forest Service** – \$2.5 million, Research & Development; \$500,000, Forest Systems.

White-nose syndrome (WNS) remains at the root of North America's most precipitous wildlife die-off of the past century. The disease is caused by an invasive species of fungus, *Pseudogymnoascus destructans* (*Pd*), which thrives in caves and abandoned mines and infects bats hibernating there, disrupting their physiological processes. WNS has killed at least 6 million bats and has spread to 27 states and five Canadian provinces. WNS has struck seven species, including the federally endangered Indiana and gray bats, while the presence of the fungus has been confirmed in three more states and five more species, including one endangered species. It has reached the ranges of other endangered bats, including the Virginia big-eared bat and the Ozark big-eared bats, and has the potential to affect 25 of our country's 47 bat species. Declines due to WNS are so severe that the FWS has designated the northern long-eared bat as threatened. The loss of bats from WNS has serious implications for our economy and environment. Bats are primary predators of night-flying insects, including pests that attack corn, soybeans, cotton, and other crops. By eating these pests, bats reduce the need for pesticides, lower food production costs, and save U.S. farmers an average of \$22.9 billion yearly. Bats also aid 66 plant species that produce timber.

Thanks to steady government funding, progress has been made. **USFWS** is the lead agency for WNS response, serving as an umbrella for nationwide WNS action on the part of more than 100 federal, state, local, tribal, academic, nonprofit, and other entities. Grants from FWS fund research that likely would not occur otherwise. Two recent examples are projects spearheaded by teams from the University of California-Santa Cruz: one finding evidence of *Pd* in China, which will offer new populations to study for their resistance; and another identifying a potentially promising treatment utilizing bacteria that occur naturally on bats' skin. In addition, FWS is the largest source of funding for state agencies to monitor, manage, and research WNS.

**USGS** also plays a critical role in WNS research. In 2006, WNS and *Pd* were unknown to science. Since then, USGS's research has laid much of the foundation of our understanding of the disease and continues to explore ways to treat WNS. USGS developed a more accurate WNS test for bats which, unlike previous methods, does not require euthanizing the animals. The agency has expanded surveillance for *Pd* and WNS through sampling of bats and hibernacula and collaborates with state agencies to monitor the disease. In 2015, scientists from its National Wildlife Health Center and the University of Wisconsin developed an "energy depletion" model to explain how WNS kills bats. With a view to possible treatments, USGS has a number of ongoing projects studying *Pd*'s cave environment to identify conditions conducive to and hostile to the fungus that might yield natural controls, as well as whether other microbes found on bats' skin could mitigate the effects of *Pd*. It is also developing an oral vaccine and is working to identify the best delivery method.

The natural resources of the **NPS** provide significant challenges for WNS management and information-sharing. NPS staff take seriously their responsibility to "safeguard bats, their hibernacula, and maternity roosts from WNS..." They conduct bat and disease monitoring in NPS's many caves and abandoned mines to inform the nationwide understanding of the disease. With the largest number of visitors every year, NPS properties play an important role in educating the public about WNS, through ranger outreach, visitor infrastructure, and multimedia materials. NPS's visitors also heighten the need for the agency to prevent human spread of *Pd* through screening and closures. Conducting chemical disinfection for visitors and staff when entering/exiting caves and abandoned mines has enabled NPS to advance knowledge of various decontamination methods. NPS is integrating WNS into all staff bat-resource activities; for

example, conducting wing swabs for WNS is becoming standard procedure whenever NPS staff handle bats. Forty-three projects in over 40 parks were to have been completed in 2015. One in particular had astounding results. A survey conducted at Great Smokey Mountain National Park revealed an 85 percent decline in the capture rate for one species and a 65 percent decline in the capture rate for another.

With at least 3,000 caves and an estimated 31,000 abandoned mines on its lands, the BLM has much work to do on WNS and has never been allocated funds for this purpose. Most of BLM's lands, concentrated in the western U.S., have not yet suffered from WNS, but the threat is moving in that direction. Addressing the disease is therefore necessary and urgent, and BLM has begun the task, thanks in part to directive language from Congress. To address a paucity of information about bats on BLM lands, staff are conducting bat inventories and inspecting bats for signs of *Pd* or WNS, either visually or by swabbing. To minimize the risk of *Pd* spread, the agency has integrated decontamination into protocols for personnel who enter caves or abandoned mines and is producing educational programming on decontamination for visitors. BLM also aims to prevent *Pd* spread by closing abandoned mines, installing gates on other mines and caves to keep people out, and selectively closing caves to visitors. Through an internal small-grant program, BLM field offices apply for up to \$2500, which must be matched by other funds, often from state agencies or local NGOs.

With many land and research resources, e.g., the Center for Forest Mycology Research, USFS has been a leader in WNS activities, but it needs and deserves a dedicated funding stream to maintain its effort. USFS scientists contribute significantly to our understanding of WNS and *Pd*. In 2013, agency researchers taxonomically reclassified the WNS-causing fungus, laying the foundation for a better understanding of *Pd* with regard to its closely related benign fungi. Furthering this line of inquiry, USFS currently is comparing these fungi to pinpoint *Pd*'s harmful genes, in the hope of silencing them. USFS is also exploring the use of a native soil bacterium to inhibit *Pd* and improve survival of WNS-infected bats. In the spring of last year, FWS released the results of a study involving the bacterium *Rhodococcus rhodochrous*, a native soil bacterium that inhibits *Pd* growth. Among diseased bats were treated with this bacterium in the lab, there was a 50 percent increase in survival, and recovered bats were released last May.

In response to directive language in FY12, USFS wrote a WNS science strategy. With those goals accomplished, USFS issued an updated strategy in September, the goal of which is to sustain functional WNS-affected bat populations through integrated disease management. It is estimated that \$4.5 million will be needed to implement the plan over four years. USFS has also developed *A Plan for the North American Bat Monitoring Program (NABAT)*, a program to conduct coordinated, standardized monitoring of multiple bat species across North America to gain reliable data for conservation decision making – similar to programs for birds and amphibians. USFS also wants to develop an “electronic nose,” a device that identifies the components of an odor and analyzes its chemical make-up to identify it. *Pd* and WNS have “odors” (chemical biomarkers) that could be identified by an “e-nose,” thus permitting early detection and application of treatments. The e-nose would also enable testing of bats without handling them, thus reducing disturbance and stress.

It is clear that the Forest Service has made and continues to make major contributions to our understanding, detection, and treatment of *Pd* and WNS, but it has been doing so at the expense of other programs. We believe that the redirection of surplus funds from other accounts (such Forest Inventory and Analysis), as well as new funds, are more than justified.

House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
Regarding Fiscal Year 2017 Appropriations

Written Testimony of the Appalachian Mountain Club

Susan Arnold  
Vice President for Conservation

The Appalachian Mountain Club (AMC) represents more than 100,000 members and supporters who share our mission to *“promote the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Appalachian region”*. We thank the subcommittee for the opportunity to submit comments on the Fiscal Year 2017 Department of Interior, Environment, and Related Agencies Appropriations Bill.

The AMC writes in support of Fiscal Year 2017 funding for the following programs:

- Amount of Funding Requested: \$900 million; Program: Land and Water Conservation Fund (LWCF) - Land Acquisition and State Assistance; Agencies: Bureau of Land Management, National Park Service, Fish & Wildlife Service, Forest Service (Department of Agriculture).
- Amount of Funding Requested: \$10.2 million; Program: Rivers, Trails, and Conservation Assistance Program; Agency: National Park Service.
- Amount of Funding Requested: \$3.1 billion, with \$300,000 dedicated to the New England National Scenic Trail (NET); Program: Park Operations, National Trail System; Agency: National Park Service.
- Amount of Funding Requested: \$10 million; Program: Land Acquisition, Highlands Conservation Act; Agency: Fish and Wildlife Service.

**Land and Water Conservation Fund:**

LWCF remains the premier federal program to conserve our nation’s land, water, historic and recreational assets. The companion LWCF state grants program provides crucial support for state and local park acquisitions, recreational facilities, and trail corridors. LWCF also funds two other important state grant programs: the Forest Legacy Program and the Community Forest and Open Space Conservation Program. The AMC supports full funding for the LWCF program at \$900 million, recognizing that \$475 million is outlined in the President’s Fiscal Year 2017 budget request to be made available through the appropriations process, with an additional \$425 million to be made available outside of this process. Full funding for LWCF meets the intent of the authorizing legislation by applying already dedicated funding to its established purpose.

As such, the AMC supports \$900 million for LWCF in Fiscal Year 2017, which would provide for:

- \$378.5 million to the Department of Interior, Federal Land Acquisition programs, including the following priorities for the AMC:
  - \$134.457 million for the National Park Service, which includes funding for:
    - Martin Van Buren National Historic Site, New York
  - \$137.622 million for the US Fish and Wildlife Service, which includes funding for:
    - Silvio O. Conte National Wildlife Refuge, Connecticut, Massachusetts, New Hampshire and Vermont
    - Cherry Valley National Wildlife Refuge, Pennsylvania

- \$155.006 million to the Department of Interior, National Park Service, State Assistance program.
- \$128 million to the Department of Agriculture, United States Forest Service, Federal Land Acquisition program
- \$5 million to the Department of Agriculture, United States Forest Service, Community Forest and Open Space Conservation Program
- \$100 million to the Department of Agriculture, State and Private Forestry, Forest Legacy program, including the following priorities for the AMC:
  - West Quabbin Woodlands, Connecticut
  - Beebe River Uplands, New Hampshire
  - Rockaway River Wildlife Management Area, New Jersey
  - Fort Ann, New York
  - The Northeast Connection, Pennsylvania
- \$10 million to the Department of Interior, United States Fish and Wildlife Service, Highlands Conservation Act program
- \$108.495 million to the Department of Interior, United States Fish and Wildlife Service, Cooperative Endangered Species Program

**Rivers, Trails, and Conservation Assistance (RTCA) Program:**

The National Park Service's RTCA program supports community-led natural resource conservation and outdoor recreation projects, assisting in developing recreational sites and facilities to protect and conserve important, non-Federal recreational, cultural and historic assets. The AMC supports an appropriation of \$10.2 million to the RTCA program in Fiscal Year 2017, consistent with the President's Fiscal Year 2017 budget.

**New England Trail (NET) – Park Operations:**

The AMC supports an appropriation of \$3.1 billion to fund the Operations of the National Park System, of which the AMC supports \$300,000 to be made available to the New England National Scenic Trail. The NET is a 220-mile hiking trail winding through 40 communities in Connecticut and Massachusetts, with nearly 2 million people living within 10 miles of the trail. In order to fully implement the federal portion of the *Trail Management Blueprint* for the NET, \$300,000 is needed in Fiscal Year 2017 to support: trail and facility management; volunteer coordination; community engagement; and outreach to landowners and youth.

**Highlands Conservation Act (HCA) program:**

The HCA program has proven to be an enormously successful federal-state, public-private conservation assistance program in the federally designated Mid-Atlantic Highlands of Connecticut, New York, New Jersey and Pennsylvania, since its enactment in 2004. To date, the program has protected 5,991 acres of the highest valued conservation lands in the region, leveraging \$27.25 million in federal funding with an additional \$72 million in non-federal matching funds. All lands acquired are purchased only from willing sellers and land interests must be held in perpetuity by non-federal entities, adding no future federal land management burden. The program has historically been included in the Land Acquisition program budget, under the Department of Interior's Fish & Wildlife Service, funded through the Land and Water Conservation Fund. Though the President's Fiscal Year 2017 budget does not provide for HCA program funding, the AMC supports \$10 million for the HCA in 2017, consistent with the Fiscal Year 2016 enacted level.

Statement of Christine Anagnos  
Executive Director, Association of Art Museum Directors

for the record of the  
House Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies

The Association of Art Museum Directors (AAMD) respectfully requests funding of \$155 million each for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) for Fiscal Year 2017. We also ask that the subcommittee provide the U.S. Fish and Wildlife Service (FWS) with the funding necessary to staff and train personnel in order to avoid placing any additional impediments on American art museums that are importing works of art containing ivory for the purposes of temporary public exhibition.

#### ARTS AND ARTIFACTS INDEMNITY PROGRAM

AAMD again thanks the Subcommittee for revising the statutory caps for international and domestic arts exhibition indemnity agreements under the Arts and Artifacts Indemnity Act, which is administered by the NEA on behalf of the Federal Council on the Arts and the Humanities. Participating AAMD members reported saving an average of more than \$650,000 in insurance fees in 2015. Recent examples of indemnified exhibitions that may be of particular interest to members of the Subcommittee include "The British Passion for Landscape: Masterpieces from National Museum Wales" at the Utah Museum of Fine Arts in Salt Lake City; "Painting the Modern Garden: Monet to Matisse" at the Cleveland Museum of Art; and "International Pop" at the Walker Art Center in Minneapolis, MN.

#### NATIONAL ENDOWMENT FOR THE ARTS

As stated above, AAMD requests that Congress appropriate \$155 million for the NEA. The agency continues to make modest but important grants that leverage significant private support, disseminate best practices, and foster innovation.

For example, the Boise Art Museum received a grant to support an exhibition related to the Minidoka National Historic Site, a World War II Japanese internment camp in Idaho. This project comprises an exhibition of artwork created at the camp or created by artists who have a personal connection with the Minidoka incarceration experience, such as Takuichi Fujii (1892-1964), Kenjiro Nomura (1896-1956), Teresa Tamura (b. 1960), Roger Shimomura (b. 1939), and Wendy Maruyama (b. 1952). To engage visitors of all ages with the Minidoka National Historic Site, educational programming will take place at Boise Art Museum, at the national park site, and at Boise State University (BSU). The exhibition is scheduled to coincide with the annual Civil Liberties Symposium at BSU.

The director of the museum, Melanie Fales, explained the significance of the NEA's support:

"BAM is sensitive to the fact that people have mixed feelings regarding the actions of the U.S. government during WWII. We want to facilitate the opening of a dialogue about the events that occurred in our state during that time. The museum is not taking a stance, rather we intend to present a safe space for artists and audience members to discuss the events that took place, focusing on the artistic process of documentation and response. We want to present a balanced approach to a challenging topic. For topics such as this, which can be considered potentially controversial, it is not always possible to garner funding from local sources. The significance of this discussion is evident at a national level, and we are grateful to the NEA for recognizing its value. This funding makes it possible for the museum to carry out the project for the benefit of our community and country."

The following examples of recent grants come from the NEA's website:

The Cleveland Museum of Art received a grant to support the exhibition "Senufo: Art and Identity in West Africa." The exhibition charted the formation of a "Senufo" style in African art, which celebrates the diversity of historical and contemporary artworks of a region spanning the present-day borders of Cote d'Ivoire, Mali, and Burkina Faso. The exhibition showcased objects from public and private collections that exemplify this style, which has proven important in the development of Western art history since the early 1900s, when modernist artists started to look at African art for inspiration. The community engagement activities included educational programs and tours.

The Nevada Museum of Art in Reno, NV received a grant to support the exhibition and catalogue "Tahoe: Art of the Lake Tahoe Region." The exhibition featured two hundred years of creative production inspired by America's second largest freshwater alpine lake. Art works including painting, photographs, sculpture, and baskets were presented alongside contemporary works, commissioned in collaboration with the Tahoe Environmental Research Center at the University of California, Davis. Works by artists such as Ansel Adams, Albert Bierstadt, Thomas Moran, Dorothea Lange, and Edward Muybridge were juxtaposed with contemporary commissions by Maya Lin, Russell Crotty, Lordy Rodriguez, Chester Arnold, and Phyllis Shafer. According to the museum, the exhibition was the first major art historical survey exhibition of painting, Native baskets, photography, architecture, and contemporary art dedicated to Lake Tahoe, Donner Pass, and the surrounding Sierra Nevada region.

The Utah Museum of Contemporary Art received a grant to support the exhibition, "Grandma's Cupboard: Kate Ericson & Mel Ziegler." The exhibition was based on the work of 1960s conceptual artist Joseph Beuys, and was informed by Beuys' belief that every human being can be an artist with the ability to transform the future.

The Utah Museum of Fine Arts received a grant to support a conservation assessment of the museum's European paintings collection. The museum will share its findings and methodology with the broader museum and conservation communities and the public, as well as provide opportunities for conservation student interns. The findings and methodology also will inform the museum's planned reinterpretation of its European galleries.

The Farnsworth Art Museum in Rockland, ME received a grant to support an upcoming exhibition of the works of artists Edward Hopper and Andrew Wyeth. The project will present pairings of the work of two American artists who sought to redefine realism in contrast with prevailing languages of abstraction. The project will explore the nature of the relationship between Hopper and Wyeth, including the commonalities of their subjects, artistic training, painting styles, public perceptions, and their legacies. The exhibition will be accompanied by a catalogue and related programming.

AAMD again commends NEA for its commitment to the Blue Star Museums initiative, now in its seventh year. AAMD members have responded with overwhelming enthusiasm to Chairman Chu's invitation to offer free admission to active duty military and their families at least from Memorial Day through Labor Day. In 2015, approximately 90 percent of AAMD members in the United States either formally joined the program or already offered free admission in any case.

#### NATIONAL ENDOWMENT FOR THE HUMANITIES

As stated above, AAMD requests that Congress appropriate \$155 million for the NEH.

This important agency assists art museums in presenting humanities scholarship to the general public. It also plays an invaluable role in assisting with the preservation and conservation of important collections. This is exactly the type of unglamorous work for which it is chronically difficult to raise private funding, making federal support all the more valuable.

Similarly, the Cleveland Museum of Art is in the midst of fundraising to meet an NEH challenge grant of \$500,000 for the creation of an endowment for the museum's interpretation staff and the development of humanities-based interpretive materials for refreshed gallery interpretation.

AAMD commends the NEH for two initiatives in particular. The Common Good is designed to demonstrate the critical role that humanities scholarship can play in public life. This is especially suitable for museums, which have developed expertise in presenting complex ideas to non-specialists. Standing Together, the Humanities and the Experience of War, supports programs that explore war and its aftermath, promote discussion of the experience of military service, and support returning veterans and their families. Taken in tandem with Blue Star Museums, this program clearly demonstrates the commitment of the two agencies to both veterans and active duty military.

## U.S. FISH AND WILDLIFE SERVICE

The AAMD has had extensive conversations with the Fish and Wildlife Service (FWS) about the importance of presenting works of many cultures to the American public, works that without temporary exhibitions, Americans would never see. These works, entrusted to our museums from both foreign museums and foreign private collectors, are fragile, invaluable and represent the highest professional quality. American museums borrowing these works must be assured that the works can move quickly, safely and be fully protected.

This is especially true when moving works of art, made in whole or in part of ivory, through designated ports as called for in the Director's Order 210 issued February 25, 2014. The Director's Order 210 imposed strict requirements on importing works of ivory from abroad, with which museums are struggling to comply.

Unfortunately, the FWS has limited capacity to staff and train personnel at the designated ports to process works of ivory for special exhibitions. There must be sufficient staff to ensure that the works move in accordance with professionally accepted procedures, the new requirements and the speed that a temporary exhibition requires. The AAMD urges the committee to provide FWS with the funding necessary to staff and train personnel in order to avoid placing any additional impediments on American art museums.

## ABOUT AAMD

The purpose of the Association of Art Museum Directors is to support its members in increasing the contribution of art museums to society. The AAMD accomplishes this mission by establishing and maintaining the highest standards of professional practice, serving as forum for the exchange of information and ideas, acting as an advocate for its member art museums, and being a leader in shaping public discourse about the arts community and the role of art in society.

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**FY 2017 Testimony of the  
ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES (APLU)  
BOARD ON NATURAL RESOURCES (BNR)  
To the House Appropriations Subcommittee on Interior, Environment, and Related  
Agencies  
Submitted by Keith Owens, Chair of the Board on Natural Resources; and Associate Vice  
President, Oklahoma Agriculture Experiment Station, Oklahoma State University,  
[keith.owens@okstate.edu](mailto:keith.owens@okstate.edu)**

On behalf of the APLU Board on Natural Resources (BNR), we thank you for your support of science and research programs within the United States Geological Survey (USGS). We appreciate the opportunity to provide recommendations for the following programs within USGS: \$9 million for the Water Resources Research Institutes and \$20 million for the Cooperative Fish and Wildlife Research Units.

**APLU BNR requests \$9 million for the Water Resources Research Institutes (WRRIs).** The APLU BNR request is based on the following: \$7,500,000 in base grants for the WRRIs as authorized by Section 104(h) of the Water Resources Research Act, including state-based competitive grants; \$1,500,000 to support activities authorized by section 104(g) of the Act. Federal funding for the WRRIs program is *the catalyst* that moves states and cities to invest in university-based research to address their own water management issues. State WRRIs take the relatively modest amount of federal funding appropriated, match it 2:1 with state, local and other funds and use it to put university scientists to work finding solutions to the most pressing local and state water problems that are of national importance. The Institutes have raised more than \$16 in other funds for every dollar funded through this program. The added benefit is that often research to address state and local problems helps solve problems that are of regional and national importance. Many of the projects funded through this program provide the knowledge for state or local managers to implement new federal laws and regulations. Perhaps most important, the federal funding provides the *driving force of collaboration* in water research and education among local, state, federal and university water professionals. This program is essential to solving state, regional and inter-jurisdictional water resources problems. As USGS itself has stated: "The Water Institutes have developed a constituency and a program that far exceeds that supported by their direct Federal appropriations."

The institutes also train the next generation of water resource managers and scientists. Last year, these institutes provided research support for more than 1,400 undergraduate and graduate students at more than 150 universities studying water-related issues in the fields of agriculture, biology, chemistry, earth sciences, engineering and public policy. Institute-sponsored students receive training in both the classroom and the field, often working shoulder-to-shoulder with the top research scientists in their field on vanguard projects of significant regional importance.

In addition to training students directly, Water Resources Research Institutes work with local residents to overcome water-related issues. For example, the California Institute for Water Resources, like most of its peers, holds field days, demonstrations, workshops, classes, webinars, and offers other means of education in an effort to transfer their research findings to as many users as possible. Outreach that succeeds in changing a farmer's approach to nitrogen application or reducing a homeowner's misuse of lawn treatments can reduce the need for restrictive regulation.

Below are some examples of work being done in various states:

- The current drought in California is creating serious economic hardship for agricultural producers and local communities. The University of California's (UC) **California Institute for Water Resources (CIWR)** has responded by creating an information hub that is being accessed by agricultural and urban interests to gain vital information on how to adapt during the drought. This hub contains valuable information from multiple units within the UC system. It also brings together information on workshops and seminars (many of which are and will be provided in video form on the web). In 2014 - 2015, UC promoted and hosted over 350 workshops and has many more planned ([ciwr.ucanr.edu](http://ciwr.ucanr.edu)). The CIWR has also produced a series of drought tip fact sheets and a webinar series of short (15-minute) talks with useful information on irrigation practices, salinity management, landscape management and more.
- The **Minnesota Water Resources Center** has funded a number of research projects that address important, nationally-relevant water resources issues with USGS/WRRRA funding over the last 4 years. This funding has been highly leveraged with university funds and the Minnesota Environmental Trust Fund. Researchers have addressed critical issues, including determining the biogeochemical variables that can be used to predict how much arsenic will get into groundwater used for drinking water, and determining the degree of antibiotic resistance in wastewater treatment plant effluent.
- Researchers with the **Idaho Water Resources Research Institute** have collaborated with Idaho Department of Water Resources scientists to develop technology for assessing crop-water usage over large areas using satellite based remote-sensing information. This technology is now used routinely within the Idaho Department of Water Resources for investigating and resolving water rights conflicts, for aquifer depletion modeling and for stream flow management. This technology is also being adopted by 10 western states and parts of Africa, Europe and Australia.

**APLU BNR requests at least \$20 million for the Cooperative Fish and Wildlife Research Units (CRU).** This program: 1) trains the next generation of fisheries and wildlife managers; 2) conducts research designed to meet the needs of unit cooperators; and 3) provides technical assistance to state, federal and other natural resource managers. Originally established in the 1930s to provide training for students in fisheries and wildlife biology, the units were formally recognized by the Cooperative Units Act of 1960 (PL 86-686). The CRUs provide experience and training for approximately 600 graduate students per year, a critical need as state and federal workforces face unprecedented retirements over the next 5 to 10 years. The CRUs also provide

valuable mission-oriented research for their biggest clients, the U.S. Fish and Wildlife Service and cooperating state agencies. Today, there are 40 Cooperative Research Units in 38 States.

Each unit is a true federal-state-university-private sector collaboration in that it is a partnership between the U. S. Geological Survey, a State natural resources management agency, a host university, and the Wildlife Management Institute. For every \$1 the federal government puts into the program, \$3 more are leveraged through the other partners. The U.S. economy has long relied on the bountiful natural resources bestowed upon this land. Federal investment in the CRUs will be returned many times over through the training of future natural resource managers who will guide the nation in sustainable use of our natural resources. The research conducted by CRU scientists directly supports the difficult management challenges faced by natural resources managers. The examples below demonstrate the value of the CRUs to wildlife issues with local and national importance.

- **Minnesota:** The **Minnesota CRU** is currently researching the olfactory sensitivity of Asian carps to putative sex pheromones. This work has recently received national attention, because Asian carps are an invasive species that threatens many of the nation's freshwater native fishes through competition for food. The Minnesota CRU hopes to use the sex pheromones to attract and trap Asian carp, removing them permanently from the nation's freshwater lakes and rivers. Minnesota CRU researchers are also studying human behavior, working to understand the motivations of agricultural producers enrolling in USDA water quality and wildlife habitat programs. They hope to gain insight into designing and developing programs, practices and messages that encourage broader participation in those programs.
- **Tennessee:** In 2011, an estimated 826,293 anglers fished in Tennessee, creating an economic impact of nearly \$1.3 billion for the state. The **Tennessee CRU** supports this economic driver by assessing fish stocks, working on recovery efforts for threatened and endangered species, providing research and technical assistance to support state decisions related to fishing. For example, research on sauger in the Tennessee River showed that minimum size requirements by the state were not leading to increased mortality of released fish below the minimum size. Their research also kept "stinger" hooks available for fishermen by showing they also did not contribute to increased mortality.
- **Oklahoma:** The **Oklahoma CRU** is celebrating its seventh decade of activity. Since opening in 1948, the graduate students that conducted research at the CRU have completed over 400 theses and dissertations. One on-going research project is to gather an accurate count of the black bear population expansion out of Arkansas and into eastern Oklahoma. Wildlife managers need this information for appropriate management of the bear population now that black bear hunting has been reintroduced in Oklahoma.

BNR thanks you for the opportunity to provide our views to the Subcommittee. We look forward to working with you through the FY 16 appropriations process.

#### ***About APLU and the Board on Natural Resources***

APLU's membership consists of 235 state universities, land-grant universities, state-university systems and related organizations. APLU institutions enroll more than 4.7 million undergraduate students and 1.2 million graduate students, and conduct \$42.7 billion annually in university-

based research annually. The Board's mission is to promote university-based programs dealing with natural resources, fisheries, wildlife, ecology, energy, and the environment. BNR representatives are chosen by their president's office to serve and currently number over 500 scientists and educators, who are some of the nation's leading research and educational expertise in environmental and natural-resource disciplines.

*Association of State Drinking Water Administrators*

**Testimony to the House Appropriations  
Subcommittee on Interior, Environment, & Related Agencies for EPA Funding**

The Association of State Drinking Water Administrators (ASDWA) respectfully submits the following recommendations for Fiscal Year 2017 appropriations on behalf of the drinking water programs in the fifty states, five territories, District of Columbia, and Navajo Nation.

**Summary of Request:** *ASDWA respectfully requests that, for FY 17, the Subcommittee appropriate funding for three programs at levels commensurate with Federal expectations for performance; that ensure appropriate public health protection; and that will result in enhancing economic stability and prosperity in American cities and towns. ASDWA requests **\$200 million** for the Public Water System Supervision (PWSS) program; **\$1.0205 billion** for the Drinking Water State Revolving Loan Fund (DWSRF) program; and **\$10 million** for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and their justification follows.*

**Overview: The Importance of Safe Drinking Water for Our Communities and the Economy  
& the Role of State Drinking Water Programs**

States need increased Federal support to maintain public health protection and to support the needs of the water systems they oversee. State drinking water programs strive to meet the Nation's public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water utilities to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities in the area of water system security and resiliency that include working with all public water systems to ensure that critical drinking water infrastructure is protected; that plans are in place to respond to both natural and manmade disasters; and that communities are better positioned to support both physical and economic resilience in times of crisis.

Vibrant and sustainable communities, their citizens, workforce, and businesses all depend on a safe, reliable, and adequate supply of drinking water. Economies only grow and sustain themselves when they have reliable water supplies. Over 90% of the population receives water used for bathing, cooking, and drinking from a public water system – *overseen by state drinking water program personnel*. Even people who have their own private wells will visit other homes, businesses, and institutions served by a public water system. As important as public water systems are to the quality of the water we drink and our health, the majority of water produced by public water systems is used by businesses for a variety of purposes, including processing, cooling, and product manufacturing. The availability of adequate supplies of safe water is often a critical factor in attracting new businesses to communities. Public water systems – as well as the cities, villages, schools, and businesses they support -- *rely on state drinking water programs* to ensure they are in compliance with all applicable Federal requirements and the water is safe to drink. Several recent incidents in the U.S. have led to illnesses, death, or prohibitions against use, due to unsafe drinking water. These have included deaths in several states due to microbiological contaminants; unsafe drinking water in

Charleston, West Virginia for over a week due to an upstream chemical spill; unsafe drinking water in Toledo, Ohio for over a day due to algal toxins; and the leaching of lead from lead-containing pipelines into the water supply in Flint, Michigan. These incidents serve as stark reminders of the critical nature of the work that state drinking water programs do -- every day -- and the reason why state drinking water programs must be adequately funded.

### **State Drinking Water Programs: How they Operate, Why Support is Needed, and Justifications for Requested Amounts**

#### ***The Public Water System Supervision (PWSS) Program:***

**How the PWSS Program Operates:** To meet the requirements of the Safe Drinking Water Act (SDWA), states have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for over *155,000 public water systems* to ensure that potential health-based violations do not occur or are remedied in a timely manner. Over 90 contaminants are regulated in Federal drinking water regulations and the pace of regulatory activity has accelerated in recent years. Beyond the contaminants covered by Federal drinking water regulations, states are also implementing an array of *proactive* initiatives to protect public health from “source to tap.” These include source water assessments and protections for communities and watersheds; technical assistance for water treatment and distribution for challenged utilities; and enhancement of overall water system performance. In recent years, states have also taken on an increasingly prominent role in working with Federal and local partners to help ensure sufficient water *quantity*. Many states have worked intensively with numerous small water systems in recent years that were within days of running completely dry. The public health and economic consequences of such a catastrophe would have been incalculable to the residents of those communities. In short, state activities go well beyond simply ensuring compliance at the tap – and, states perform all of these tasks more efficiently and cheaply than would be the case if the program were Federally implemented. Well supported state drinking water programs are a good deal for America.

**Why Adequate Support is Needed:** State drinking water programs are extremely hard pressed financially and the funding gap continues to grow. States must accomplish all of the above-described activities -- and take on new responsibilities -- in the context of a challenging economic climate. State funding has historically compensated for inadequate Federal funding, but state budgets have been less able to bridge this funding gap in recent years. State drinking water programs have often been expected to do more with less and states have always responded with commitment and integrity, but they are currently stretched to the breaking point. Insufficient Federal support for this critical program increases the likelihood of contamination events that puts the public’s health at risk. \$101.9 million was appropriated for the PWSS program in FY 16 and the Administration requested only \$109.7 million in FY 17 (or, on average, about \$2 million per state per year). These amounts are woefully inadequate for the enormity of the task faced by state drinking water programs. We believe, based on our rigorous assessment of every state’s need (in a report we released in January 2014), that *at least twice that amount is needed*. Inadequate Federal funding for state drinking water programs has a number of negative consequences. Many states are simply unable to implement major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to EPA, which is also challenged by the Agency’s own resource constraints and lack of “on the ground” expertise. States also want to offer the flexibilities allowed under existing rules to local water systems. However, fewer state resources mean less opportunity to work individually with water systems to meet their individual needs. This situation has created a significant implementation

crisis in several regions of the country and is ultimately delaying or hampering implementation of critically needed public health protections.

**For the PWSS Program in FY 17, ASDWA Respectfully Requests \$200 million:** The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while at the same time, the Federal funding support necessary to maintain compliance levels and meet expectations has been essentially “flat-lined.” Inflation has further eroded these inadequate funding levels. The recommended amount is based on ASDWA’s aforementioned January 2014 resource needs report and *begins* to fill the above-described resource gap. These funds are urgently needed for implementing new drinking water rules, taking on a number of other new initiatives, and to account for the eroding effects of inflation. We further recommend that Congress not allow any Federal funds already appropriated to state drinking water programs to be rescinded.

***The Drinking Water State Revolving Loan Fund (DWSRF) Program:***

**How the DWSRF Program Operates:** Drinking water in the U.S. is among the safest and most reliable in the world, but it is threatened by aging infrastructure. Through loans provided by the DWSRF, states help water utilities overcome this threat. The historical payback to the DWSRF on this investment has been exceptional. In the core DWSRF program, approximately \$18 billion in cumulative Federal capitalization grants since 1997 have been leveraged by states into over \$29 billion in infrastructure loans to small and large communities across the country. Such investments pay tremendous dividends -- both in supporting our economy and in protecting our citizens’ health. States have very effectively and efficiently leveraged Federal dollars with state contributions to provide assistance to more than 10,000 projects, improving health protection for millions of Americans. The U.S. Conference of Mayors estimates that each public dollar invested in water infrastructure increases private long-term Gross Domestic Product output by \$6.35. An important feature of the DWSRF program is states “set-aside” funds and another key reason for adequately funding this critical program. States can reserve up to 31% of these funds for a variety of critical tasks, such as shoring up the technical, managerial, and financial capacity of public water systems. Set-asides are thus an essential source of funding for states’ core public health protection programs and these efforts work in tandem with infrastructure loans.

**Drinking Water Infrastructure Investment is Well below the Documented Need:** The American Society of Civil Engineers gave the nation’s drinking water infrastructure a D+ grade and EPA’s most recent National Drinking Water Infrastructure Needs Survey (2011) indicated that drinking water system infrastructure needs total \$384 billion over the next 20 years; \$72.5 billion of that total is needed to prevent contamination of 73,400 water systems. The American Water Works Association recently estimated that 20 year need at \$1 trillion (which more fully accounted for water distribution system replacement costs). Investment is needed for aging treatment plants, storage tanks, pumps, and distribution lines that carry water to our nation’s homes, businesses and schools. The DWSRF must continue to be a key part of the solution to the nation’s infrastructure crisis.

**For the DWSRF Program in FY 17, ASDWA respectfully requests \$1.0205 billion:** States were very encouraged by the \$1.387 billion appropriated for the DWSRF in FY 10 but have been disappointed by the subsequent generally downward trend -- \$963 million in FY 11, \$919 million in FY 12, \$854 million for FY 13 (a figure not seen since 2006), \$907 million in FY 14 and FY 15, and

\$863 million in FY 16. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy, as explained above. In light of these indicators of success and documented needs, we believe funding at the \$1.0205 billion level -- the level requested in the President's FY 17 budget -- will better enable the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

### ***State Drinking Water Security and Resiliency Programs***

**State Drinking Water Security and Resiliency Responsibilities:** State drinking water programs are critical partners in emergency planning, response, and resiliency at all levels of government. In fact, states are typically the critical nexus between Federal and local level officials in emergency situations. State primacy agencies provide key resources and critical support -- regardless of whether the emergency is rooted in terrorism, natural disasters, or cyber intrusions. States continually work toward integrating security considerations throughout all aspects of their drinking water programs and provide information and support to water systems needing to better understand cyber threats.

**State Drinking Water Security Funds Are Urgently Needed:** After seven years of Congressional support for state security programs through a small grant of approximately \$5 million in EPA's appropriations (from FY 02 through FY 08), *no funds* have been provided for this purpose since FY 09 and none are requested by the Administration for FY 17. It is very difficult to understand why this small, but essential grant to states has been zeroed out of EPA's proposed budget and why Congress has not supported state drinking water security and resiliency programs. State drinking water programs urgently need funds to continue to maintain and expand their security activities, particularly in partnership with small and medium public water systems.

**For State Drinking Water Security Programs in FY 17, ASDWA Respectfully Requests \$10 million:** Given the realities and the lessons learned from recent catastrophic events such as Hurricane Sandy in New York and New Jersey; tornados in central Oklahoma; wildfires and floods in Colorado; and continuing drought in California and Texas -- to name but a few -- state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness, response, and resiliency capabilities. States continue to expand their efforts to reflect a resilient, "all hazards" approach to water security and to assist public water systems of all sizes, particularly smaller water systems that most need help.

**Conclusion:** *ASDWA respectfully recommends that the Federal FY 17 budget needs for states' role in the provision of safe drinking water be adequately funded by Congress. A strong state drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve -- so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory, infrastructure, and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2017, ASDWA asks that the promise of that support be realized.*

Henry Hunter, Sr., Chairperson  
 Myron P. Naneng Sr., President  
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 Web: www.avcp.org

**AVCP**  
 Association of Village Council Presidents  
 Pouch 219, Bethel, AK 99559  
*The Voice of the Region*



March 9, 2016

Akiachak  
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 Pitka's Point  
 Platinum  
 Quinhagak  
 Red Devil  
 Russian Mission  
 Scammon Bay  
 Steetmute  
 St. Mary's  
 Stony River  
 Tuluksak  
 Tunstalluk  
 Tunuak  
 Umkumiut

The Honorable John Barrasso  
 Chairman, Committee on Indian Affairs  
 United States Senate  
 Washington, DC 20510

The Honorable Jon Tester  
 Vice-Chairman, Committee on Indian Affairs  
 United States Senate  
 Washington, DC 20510

The Honorable Ken Calvert  
 Chairman, Interior, Environment, and  
 Related Agencies Subcommittee  
 United States House of Representatives  
 Washington, DC 20510

The Honorable Betty McCollum  
 Ranking Member, Interior, Environment, and  
 Related Agencies Subcommittee  
 United States House of Representatives  
 Washington, DC 20510

Dear Chairmen Barrasso and Calvert, Vice-Chairman Tester, and Ranking Member McCollum:

On behalf of the 56 federally recognized tribes of the Yup'ik, Cup'ik, and Athabascan peoples residing in Alaska's Yukon-Kuskokwim Delta, the Association of Village Council Presidents ("AVCP") writes to urge you to maintain the proposed \$141 million for the Tiwahe Initiative in the Fiscal Year 2017 Budget. This funding is critical to meet a historic need for tribes to develop holistic solutions to solve the intractable problems of education, unemployment, poverty, substance abuse, violence, incarceration, and suicide that weaken our communities and destabilize our families.

Through the Tiwahe Initiative, AVCP developed its TIWAHE Project to streamline access to social services for tribal members in the Yukon-Kuskokwim Delta in a way that is comprehensive and produces an effective and efficient coordinated service delivery model. AVCP TIWAHE improves screening and access to social services while preserving tribal members' cultural values and traditions. The AVCP TIWAHE Healthy Families Model, developed in our region for our people, lends to a personable model that connects with tribal members in need of social services. At the core of the Healthy Families Model is a focus on strengthening tribal families. AVCP's programs are engaged and eagerly working towards full implementation of AVCP TIWAHE to deliver an integrated solution to the difficult challenges facing our tribes, their families, and their individual members.

AVCP understands the importance of your work to the appropriations process. Please use this opportunity to further develop the Tiwahe Initiative so that our tribes and tribes nationwide may provide complete services to our people as an answer to many deep-seated problems.

Sincerely,  
**ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS**

Myron P. Naneng, Sr.  
 President

**Kristin L. Vehrs, Executive Director  
Association of Zoos and Aquariums**

**Testimony – House Subcommittee on Interior, Environment, and Related Agencies**

Thank you Chairman Calvert and Ranking Member McCollum for allowing me to submit written testimony on behalf of the nation's 215 AZA-accredited zoos and aquariums. Specifically, I want to express my support for the inclusion of \$11,100,000 for the Multinational Species Conservation Funds (MSCF) operated by the U.S. Fish and Wildlife Service (USFWS), \$15,800,000 for the USFWS's International Affairs program, and \$11,100,000 for National Environmental Education Act programs at the Environmental Protection Agency (EPA) in the FY2017 Interior, Environment, and Related Agencies appropriations bill. I also urge you to reject any efforts to include language that would prohibit the USFWS from moving forward with its efforts to eliminate loopholes in the commercial elephant ivory trade.

Founded in 1924, the Association of Zoos and Aquariums (AZA) is a nonprofit 501c(3) organization dedicated to the advancement of zoos and aquariums in the areas of conservation, education, science, and recreation. AZA-accredited zoos and aquariums annually see more than 183 million visitors, collectively generate more than \$17 billion in annual economic activity, and support more than 166,000 jobs across the country. Annually, AZA-accredited institutions spend \$160,000,000 on more than 2,650 field conservation projects in 130 countries.

MSCF programs support public-private partnerships that conserve wild tigers, elephants, rhinos, great apes, and marine turtles in their native habitats. Through the MSCF programs, the United States supplements the efforts of developing countries that are struggling to balance the needs of their human populations and endemic wildlife. MSCF programs help to sustain wildlife populations, address threats such as illegal poaching, reduce human-wildlife conflict, and protect essential habitat. By working with local communities, they also improve people's livelihoods, contribute to local and regional stability, and support U.S. security interests in impoverished regions. This federal program benefits AZA-accredited zoos and aquariums in their field conservation efforts and partnerships with the USFWS.

The EPA offers valuable environmental education initiatives that AZA encourages you to support. Education programs at AZA-accredited institutions provide essential learning opportunities, particularly about science, for schoolchildren in formal and informal settings. Studies have shown that American schoolchildren are lagging behind their international peers in certain subjects including science and math. In the last 10 years, accredited zoos and aquariums formally trained more than 400,000 teachers, supporting science curricula with effective teaching materials and hands-on opportunities. School field trips annually connect more than 12,000,000 students with the natural world. Increasing access to formal and informal science education opportunities has never been more important.

Tragically, elephants are being slaughtered for their ivory. From 2010 to 2014, 81 AZA-accredited facilities provided nearly \$5.8 million to Asian and African elephant field

conservation efforts. Sadly, it is estimated that 96 elephants are killed by poachers in Africa every day for their ivory, a total of 35,000 per year. Much of this ivory ends up in the United States, which continues to be one of the largest markets for ivory in the world.

In 2013, the AZA joined The Wildlife Conservation Society as a partner in the 96 Elephants Campaign – an effort focused on securing a U.S. moratorium on illegal ivory; bolstering protection of African elephants; and educating the public about the link between ivory consumption and the elephant poaching crisis. Through the 96 Elephants campaign, millions of zoo visitors can take action to stop the demand for ivory here in the United States and around the world. The USFWS has proposed a rule to eliminate loopholes in the commercial elephant ivory trade. Any delay in this process comes at the expense of Africa’s elephants which desperately need action now.

Finally, much of the important conservation work at AZA-accredited zoos and aquariums depends on a robust and fully staffed USFWS. Acknowledging the budget challenges facing Congress and the agencies, I encourage you to assure that the USFWS has sufficient resources to employ qualified professionals, particularly for the programs handling permits, which support the science-based conservation breeding and wildlife education programs that require animals to be moved in an efficient, timely manner: International Affairs (Management Authority), Endangered Species, Law Enforcement, and Migratory Birds.

AZA-accredited zoos and aquariums are essential conservation and education partners at the federal, state, and local levels domestically as well as internationally. To assure that AZA-accredited zoos and aquariums can continue to serve in these important roles, I urge you to include \$11,100,000 for the Multinational Species Conservation Funds operated by the USFWS, \$15,800,000 for the USFWS’s International Affairs program, and \$11,100,000 for National Environmental Education Act programs at the Environmental Protection Agency in the FY2017 Interior, Environment, and Related Agencies appropriations bill.

Thank you for your consideration of our comments.

**Bristol Bay Area Health Corporation**

P.O. Box 130  
 Dillingham, Alaska 99576  
 907-842-5201

Robert J. Clark, President/CEO ([rclark@bbahc.org](mailto:rclark@bbahc.org))

Testimony submitted to the House and the Senate Appropriations Subcommittees  
 on Interior, Environment and Related Agencies

Regarding FY 2017 Indian Health Service Budget/BIA Recognition for Knugank  
 March 18, 2016

The requests of the Bristol Bay Area Health Corporation for the FY 2017 Indian Health Service (IHS) budget and our comments on BIA Recognition are as follows:

- Allocate at least an additional \$12.5 million to the IHS to fully fund Village Built Clinic (VBC) leases and make it a line item in the budget.
- Active support by the Subcommittee to change Contract Support Costs funding to a permanent, mandatory funded basis and eliminate provisos on indefinite funding that could be misread to conflict with the carryover funding authority in the Indian Self-Determination and Education Assistance Act.
- Increase IHS behavioral health care funding.
- Funding for built-in costs.
- Urge the Department of Interior to issue a decision regarding recognition of Knugank.

\* \* \*

The Bristol Bay Area Health Corporation (BBAHC) was created in 1973 to provide health care services to Alaska Natives of Southwest Alaska. BBAHC began operating and managing the Kakanak Hospital and the Bristol Bay Service Unit for the IHS in 1980, and was the first tribal organization to do so under the Indian Self-Determination and Education Assistance Act (ISDEAA). BBAHC is a co-signer to the Alaska Tribal Health Compact with the IHS under the ISDEAA and is now responsible for providing and promoting health care to the people of 28 Alaska Native Villages.

We have made significant progress but now deal with modern-day health problems. Today, rather than TB and influenza epidemics, we struggle with diseases of a modern society that include chronic illnesses such as cancer, diabetes and heart disease. The life expectancy of our people has increased from 47 years of age in 1952 to 69.4 in 1998, still below that of U.S. residents and other Alaskans. We are strengthening our programs and services to address chronic illnesses as well as continuing to provide acute care services that dominated health care need much of the past 100 years for the people of Bristol Bay.

### Village Built Clinics.

We appreciate that the FY 2016 Appropriations Act included \$2 million to supplement funds for operational costs at tribal clinics in spaces acquired through full service leases, which we understand was intended for all Village Built Clinics (VBCs) in Alaska. Even when this additional funding is finally allocated, VBC facilities will continue to face a significant funding crisis in our region. Our 27 VBCs are essential to our ability to maintain our Community Health Aide/Practitioner (CHA/P) programs which provide the only local source of health care for many of our Alaska Native people.

Because the CHA/Ps could not operate in most of rural Alaska without clinic facilities in the Alaska Native villages, the IHS established the VBC leasing program in the 1970s, but the leases have been chronically underfunded ever since. Lease rental amounts for VBCs have failed to keep pace with costs; the majority of leases have not increased since 1989. Unlike tribal health care facilities in the lower 48 states, the IHS treats VBCs as being ineligible for maintenance and improvement funding, for which Congress appropriated over \$73.6 million in FY 2016. Current funding for the VBCs is not sufficient to cover the cost of repair and renovation as necessary to maintain the facilities in a safe condition.

The regional tribal health organizations collaborated with the Alaska Native Health Board and the Alaska Native Tribal Health Consortium to develop an updated needs assessment for VBCs, called “Village Based Clinics in Crisis 2015.” According to the report, lease amounts in FY 2015 covered less than 30% of the basic operating costs of the VBCs. The report estimates that an additional \$12.5 million in funding—in addition to the \$4.5 million in current annual funding—would be needed to maintain and operate Alaska VBCs on a par with similar tribal health facilities elsewhere. We request that you direct the IHS to (1) add an additional \$12.5 million to the current amount being provided for the VBCs, (2) request that amount in a separate line in the IHS budget, and (3) allocate that amount to the VBC lease program.

### Contract Support Costs (CSC) Mandatory Funding.

We wish to extend our thanks for the change made in funding to CSC in the FY 2016 appropriations act, which made the FY 2016 CSC funding for an indefinite amount. This shift helped to ensure that CSC would be fully funded without having to reprogram funding for critical health care services and other programmatic funding to cover the CSC need.

For FY 2017, we support the President’s request for an appropriation of “such sums as may be necessary,” with an estimated \$800 million for CSC for the IHS, and an estimated \$278 million for the BIA, in separate accounts in both the IHS and BIA discretionary budgets. However, we request the removal of the following proviso: “amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years.” This proviso is problematic because it could be misread to effectively deny the carryover authority granted by the ISDEAA.

BBAHC strongly believes, however, that the indefinite appropriation of CSC funding must be made mandatory and permanent. Under the ISDEAA, the full payment of CSC is not discretionary; it is a legal obligation, affirmed by the U.S Supreme Court. Funding of CSC on a discretionary basis has placed the House and Senate Committees on Appropriations, in their own words, of being in the “untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs.” We are committed to working other Native organizations and Congress to determine how best to achieve that goal

#### Behavioral Health Funding.

BBAHC continues to face particular hardships in providing for our communities’ behavioral and mental health needs, particularly with regard to our youth. Our Behavioral Health Counseling Center, located in Dillingham, relies on a staff of mental health clinicians to provide outpatient behavioral health services, village outreach services, as well as twenty four hour crisis stabilizations services for the entire region. To say the least it is a challenge and there are major gaps in the provision of behavioral health care in the region’s isolated villages. We have well-qualified professional staff who serve approximately 8,000 people in our region. The 6 mental health, 2 master level social work supervisors, 5 alcohol and drug counsellors, and 7 behavioral health aides theoretically would serve more than 300 persons each. The ratio of mental health clinicians to clients is 1 to 1,300. In addition the significant increase in heroin use in the region has made the provision of quality services increasingly difficult.

Particularly concerning is that the treatment for our youth with substance abuse problems is lacking. Our 14 bed residential facility for substance abuse (Jake’s Place) has an Alcohol and Drug Safety Program funded by the State of Alaska but it is primarily an education program, not a treatment program, and much of the education is done remotely, via the internet. And, as you know, there is an epidemic of suicide among Alaska Natives. Alaska outpaces the rest of the nation in suicide rates and suicide attempts requiring hospitalization. Alaska Native teens commit suicide at a rate nearly six times that of non-Native teenagers.

It seems that finally there is increased attention nationally by policy makers to behavioral health issues. Thus we appreciate the \$10 million appropriated in FY 2016 in the IHS Alcohol and Substance Abuse line item for the *Generations Indigenous (Gen-I)* initiative to address youth behavioral, mental health and substance abuse issues. This funding will be critical for the hiring of staff to provide more services and prevention programs for our youth. We ask for your support to fund the expansion of the *Gen-I* program in FY 2017. The Administration is requesting a \$16.8 million increase focused on youth: \$15 million to expand *Gen-I* for additional staffing and \$1.8 million for a pilot program that would provide a continuum of care for youth after discharge from a Youth Regional Treatment Center.

We also support the Administration’s proposed \$25 million increase in the IHS Mental Health account. It would consist of \$21.4 million to integrate behavioral health services more broadly in the health care system, including to community-based programs, and \$3.6 million for a “Zero Suicide Initiative”.

#### Built-in Costs.

We support the Administration's FY 2017 request of \$159 million for built-in costs: \$75.4 million for medical inflation at a 5.8% rate; \$26 million for pay costs; and \$43.2 million to partially fund population growth. Built-in costs are often sacrificed in the budget negotiation process, but lack of them impacts all programs. Inflation—both medical and non-medical, pay raises that must be afforded to employees, and population growth are real facts of life that impact our ability to provide sufficient health care services. The cumulative effect of underfunding of built-in costs over a period of years takes a significant toll on our budgets and ultimately on our ability to provide a range of quality health care services. We urge Congress to fund this request.

#### Knugank Recognition.

We bring to your attention the efforts to get the Department of Interior to correct the omission of Knugank (which is in the Bristol Bay region) from the list of federally-recognized tribes. We are supporting Knugank in this effort and are hopeful this situation will be corrected soon although there has been a series of delays in issuing a decision.

In a January 2012 letter to Senator Murkowski, the Assistant Secretary of Indian Affairs explained that Knugank could be added to the list of recognized tribes if it meets the standards established by Congress in Section 1 of the Alaska Amendment to the Indian Reorganization Act (25 U.S.C. § 473a). Several months later, the office of the Assistant Secretary agreed to evaluate Knugank's extensive documentation, and based on the statutory standards, issue a decision regarding Knugank's eligibility to be included on the list of recognized tribes. Several times we have been told that a decision (which we believe will be favorable to Knugank) is imminent and that all needed information has been provided. Now, after significant investments made over the course of many years by BBAHC, Knugank, Members of Congress and the Agency to resolve this matter, we understand that the Offices of the Solicitor and Assistant Secretary have completed their review but still have not taken the final steps necessary to issue a decision.

BBAHC is deeply troubled by the Agency's continued delays. We respectfully request that this Subcommittee exercise its oversight responsibility to ensure that the Assistant Secretary issues a decision in the coming days so that the substantial investment of federal and tribal resources is not wasted but instead serves to fully resolve Knugank's tribal status. We expect this decision will correct the Agency's omission of Knugank from the list of federally-recognized tribes, affirm their eligibility to organize as a tribe under the standards and precedent established by the Alaska Amendment to the Indian Reorganization Act, and allow Knugank its rightful government-to-government status and access to an array of federal resources.

Other. There is no room within the page limits to comment on all issues but we want you to know that we support a permanent reauthorization of the Special Diabetes Program for Indians, for establishment of Medicare-like Rates for non-hospital services thus stretching our Purchased/Referred Care dollars, and, as Congress has done for the VA medical accounts, providing funding to IHS on an advance appropriations basis so that may have better lead time for our planning, budgeting, and purchasing processes and for our recruitment of personnel.

Thank you for your consideration of our concerns and needs.

**Testimony  
Theodore C. Cooke  
General Manager  
Central Arizona Project**

**House Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies**

**Support for \$1.5 million for Salinity Control in Fiscal Year 2017 Funding for the  
Colorado River Basin Salinity Control Program under the  
Bureau of Land Management's (BLM) Soil, Water and Air Program  
March 22, 2016**

On behalf of the Central Arizona Water Conservation District (CAWCD), I encourage you to include \$1.5 million for salinity specific projects in the Bureau of Land Management's (BLM) Soil, Water and Air Program in Fiscal Year 2017. The funding will help protect the water quality of the Colorado River that is used by approximately 40 million people for municipal and industrial purposes and used to irrigate approximately 5.5 million acres in the United States.

CAWCD manages the Central Arizona Project (CAP), a multi-purpose water resource development and management project that delivers Colorado River water into central and southern Arizona. The largest supplier of renewable water in Arizona, CAP diverts an average of over 1.5 million acre-feet of Arizona's 2.8 million acre-foot Colorado River entitlement each year to municipal and industrial users, agricultural irrigation districts, and Indian communities.

Our goal at CAP is to provide an affordable, reliable and sustainable supply of Colorado River water to a service area that includes more than 80 percent of Arizona's population.

These renewable water supplies are critical to Arizona's economy and to the economies of Native American communities throughout the state. Nearly 90% of economic activity in the State of Arizona occurs within CAP's service area. The canal provides an economic benefit of \$100 billion annually, accounting for one-third of the entire Arizona gross state product. CAP also helps the State of Arizona meet its water management and regulatory objectives of reducing groundwater use and ensuring availability of groundwater as a supplemental water supply during future droughts. Achieving and maintaining these water management objectives is critical to the long-term sustainability of a state as arid as Arizona.

**Negative Impacts of Concentrated Salts**

Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. Human activity, principally irrigation, adds to salt load of the Colorado River. Further, natural and human activities concentrate the dissolved salts in the River.

The U.S. Bureau of Reclamation (Reclamation) has estimated the current *quantifiable* damages at about \$382 million per year to U.S. users with projections that damages would increase to approximately \$614 million per year by 2035 if the program were not to continue. These damages include:

- A reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector;
- Increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;
- An increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
- A decrease in the life of treatment facilities and pipelines in the utility sector; and
- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

Adequate funding for salinity control will prevent the water quality of the Colorado River from further degradation and avoid significant increases in economic damages to municipal, industrial and irrigation users.

### **History of the BLM Colorado River Basin Salinity Control Program**

In implementing the Colorado River Basin Salinity Control Act of 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to the quality of waters being delivered to Mexico. Title II of the Act deals with improving the quality of the water delivered to users in the United States. This testimony deals specific with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM.

In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin and to pursue salinity control

studies and to implement specific salinity control practices. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

The threat of salinity continues to be a concern in both the United States and Mexico. On November 20, 2012, a five year agreement, known as Minute 319, was signed between the U.S. and Mexico to guide future management of the Colorado River. Among the key issues addressed in Minute 319 included an agreement to maintain current salinity management and existing salinity standards. The CAWCD and other key water providers are committed to meeting these goals.

### **Conclusion**

Implementation of salinity control practices through the BLM Program has proven to be a very cost effective method of controlling the salinity of the Colorado River and is an essential component of the overall Colorado River Basin Salinity Control Program.

CAWCD urges the subcommittee to include \$1.5 million for salinity specific projects in the Bureau of Land Management's (BLM) Soil, Water and Air Program. The continuation of funding will prevent further degradation of the water quality of the Colorado River and further degradation and economic damages experienced by municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved drinking water quality for nearly 40 million Americans.

**U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior,  
Environment, and Related Agencies  
Testimony of Chairman Harold Frazier, Chairman of the Cheyenne River Sioux Tribe.  
Submitted March 10, 2016**

Good Morning Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Harold Frazier and I am the Chairman of the Cheyenne River Sioux Tribe (CRST). On behalf of our Nation, I am here to testify today regarding the appropriations for Bureau of Indian Affairs Road Maintenance, Indian Education, School Construction, Law Enforcement and Tribal Courts and related Justice System funding. The Cheyenne River Indian Reservation is one of the largest reservations in the United States. The Reservation is one hundred miles long and sixty miles wide, and includes Dewey County and Ziebach Counties, South Dakota. The Cheyenne River Sioux Reservation is home to four bands of the Teton Sioux – the Mnicoujou, Siha Sapa, Sans Arc, and Oohenumpa – and is located in a rural area of north-central South Dakota. The Tribal enrollment is 18,814, of which 10,564 live on or near the Reservation. About thirty-five percent (35%) of the population is under 20 years of age.

**TRIBAL GOVERNMENT BIA ROAD MAINTENANCE AND TRIBAL  
TRANSPORTATION PROGRAM FUNDING PROGRAMS**

With this in mind, I would like to address some specific areas. The BIA reported in 2015 that only seventeen percent (17%) of BIA roads on reservations were in good or excellent condition. The proposed funding level for BIA Road Maintenance has not increased in decades. Currently, the allocation to our Tribe is \$469,865 and this has to cover 292 miles of BIA roads, of which only two are paved. Of this, \$89,000 is spent on salaries of personnel. The critical need for passable roadways has been left up to Tribal Transportation Program (TTP) funding. CRST has repeatedly been forced to use twenty-five percent (25%) of its Tribal Transportation Funds (Highway Trust Funds that are transferred from DOT to BIA and that are supposed to be for road construction) to supplement the BIA's road maintenance obligations. Snow and ice control take up to fifty percent (50%) of an annual budget. The TTP funds that tribes receive from the Federal Highway Administration were intended to fund road construction and replacement: not to supplement BIA road maintenance.

Making this problem worse is the fact that TTP funds have not been equitably distributed to large tribes with only BIA owned roads due to the decision by the BIA to allow funding of state and county owned roads in the TTP and Indian Reservation Road Program (IRR). TTP is funded under a formula enacted in MAP-21. The roads funded include off-reservation "access roads" a term that is not defined and is being abused and "proposed" roads that are added to tribal inventories. The BIA inventory of roads counted includes 26,000 miles of road, of which only 15,000 miles, or fifty-eight percent (58%) actually exist. "Proposed" roads receive funding year after year even when it is understood they will never be built. There is no time limit on how long a proposed road can be in the inventory. There should be a requirement that right-of-way has been secured and environmental clearances obtained before a road can be added as proposed. Further, a proposed road should not receive the same level of funding as an existing road.

Due to the abuses described above, the allocation of the increase was anything but equitable. Unless the formula in MAP-21 is amended to change the tribal shares and to limit the addition of proposed roads and access roads, and unless BIA road maintenance funding is drastically increased, funds will never make it to the areas they were intended to fund – BIA roads. Underfunding BIA Road Maintenance on the assumption the Tribal nations in our region are receiving adequate IRR/TTP funds to address Road maintenance is simply false. If you average out the BIA's total maintenance budget and divide it by BIA and Tribal road miles, tribes get about \$500 per mile. Compare this to county governments that spend just about \$8,000 per mile for maintaining gravel roads and \$16,000 per mile to maintain paved roads. We support full funding of BIA Road Maintenance at \$160 million and changing the MAP-21 formula for the TTP program. The proposed budget for Road Maintenance only increases funding by \$90,000. This is not even enough to keep pace with inflation.

**PUBLIC SAFETY AND JUSTICE** – The second set of programs that need to be addressed are our civil and criminal justice programs under Public Safety and Justice. The proposed budget decreases Law Enforcement funding by \$6.695 million and increases Tribal Courts by only \$2.5 million, but targets those increased funds toward Pilot projects rather than increasing the base funding for all justice systems. This widens the disparity in funding already existing between Courts and law enforcement. Our current funding is at \$2.387 million which only funds ten police officers, eight supervisory officers and three detectives, with a total staff including support staff of 22 people. It functionally means there are shifts where only two police officers are on duty to serve over 11,000 residents and to cover 4,500 square miles!! Adequate funding for Cheyenne River alone would require funding at least \$6.7 million dollars – over a 290 percent increase. Appropriations need to take into account not just population served, but the size of the area served. The cost of providing law enforcement to a territory as large as the one at Cheyenne River is much greater because of vehicle wear and tear and response times to communities. With a current budget of \$1,615 for training, and no funds for equipment and uniforms, officers have to buy their own equipment and their own uniforms. The wear on vehicles is immense due to the geographic size of the Reservation. The 2017 budget proposes virtually no increase for base funding. The BIA continues to propose spending money on assessments, consultants and pilot projects. The result will be continued erosion of public safety. Pilot project short term funding is something we see all the time through Department of Justice grants. The result is even when successful, when not followed up with long term increase in base funding, no improvement. For this reason, we support increased funding that accounts for these disparities in costs to provide services.

The second half of the equation in public safety and civil justice systems is the court system, prosecutor, and public defender's office. The proposed budget adds over \$2.5 million for tribal courts, but this will not be spent on increasing base funding, instead, it will be spent adding five more tribal courts to the base funding formula, contractors to travel to courts and assess them, and a pilot project. Courts at Cheyenne River are funded at only \$724,906. Adequate funding would require at least \$2,632,832 for the court and a doubling of the Prosecutor and Public defender budgets funded at \$168,729 and \$141,785 respectively. With the influx of methamphetamines, the Tribal Prosecutor's Office has seen a 45% increase in the

number of police reports. The number of police reports the Prosecutor's Office had to handle last year was over 6,000 as compared to 4,147 in 2015. With funding for only three judges, two prosecutors and one public defender, the civil and criminal justice systems are not functioning.

For this reason, we ask Congress to provide adequate base funding for the civil and criminal justice systems, and to **stop funding short term grants and pilot projects**. Every time BIA funds pilot projects and contractors instead of the actual courts, public safety on the ground suffers. It is simply irresponsible to spend the money on anything other than improved base funding so the criminal justice system can function. Base Funding for Law Enforcement must be tied to funding for Tribal Courts and Tribal Prosecutor's Offices.

**BUREAU OF INDIAN EDUCATION** – We have three schools at Cheyenne River – one BIE operated and two tribally controlled schools - serving thousands of students. At Cheyenne River under the proposed reorganization, instead of decisions being made in Eagle Butte at the local level, our two tribally controlled schools have to get technical assistance from Kyle, SD, over three hours away, with decision making authority vested in a BIE Associate Deputy Director located in Minneapolis, Minnesota, over eight hours away. At the same time, our largest school – the BIE-operated Cheyenne Eagle Butte School – will have to receive technical assistance from personnel located at Turtle Mountain, ND, over seven hours away, with decision making authority vested in a staffer in Albuquerque, which is half a country away! This nonsensical hierarchy of school administration is because BIE proposes to split the lines of authority for tribally controlled “grant” schools and BIE operated schools.

As confusing as this new school management structure is, and despite the fact that Congress told BIE that it could not undertake this reorganization in the Great Plains, this “streamlining” is going on right now. BIE shut down the current Education Line Office in Eagle Butte a couple of years ago, and since then there has been almost no technical assistance for our school administrators. As of today our BIE-operated school reports to a BIE Public Safety Office in Albuquerque that is given the title “Acting Line Office” but from which we have never had any help, and our grant schools report to Minneapolis. This chaos will not be resolved under the proposed BIE budget.

Education funding is best spent directly in schools in ISEP funding and School Maintenance and Administration, all of which are funded at below 50% of the need. To increase funds at the top levels by \$25 million for a re-organization that has already proven to be ineffective in the Great Plains, while increasing actual education funding for maintaining buildings by only \$3.6 million and BIE school student funding by only \$8 million, is misdirected. Such decisions ensure that our children will continue to receive substandard education. While the total increase to K-12 programs is \$20 million, of that amount, \$3.6 million is Johnson O'Malley funds to state school districts and \$2 million is short term grant educational enhancements. We oppose increasing BIE administrative dollars and Pilot project funding until basic needs for maintaining school building and funding educational costs under ISEP are met.

**NEW SCHOOL CONSTRUCTION** – The final areas I want to address are funding for School Construction and School Repair and Other Construction within the BIA budgets. The Cheyenne Eagle Butte School (CEB) is over 55 years old and it is crumbling. In January, BIE announced it

had selected the top ten schools to be considered for funding. Neither CEB School nor any other Great Plain Region school was in the top ten. Eight of the ten schools selected were within the Navajo Nation, one was in the Southwest, and one was in Washington State. When the Cheyenne River Sioux Tribe asked to see the scores of all the schools, the data used to determine those scores, and to know who was on the National Review Committee required by Negotiated Rulemaking to make the selection of schools it was going to recommend to Congress for funding, the Tribe was told to file a FOIA request – so much for consultation! It has been well over 30 days since the Tribe filed that request, and it has received no response. The Assistant Secretary of Indian Affairs, we are told, has selected the five schools that will be recommended to Congress for funding. All five, we are told, are in the Navajo Nation. That is wrong and should be stopped by your committee.

Of the top ten schools selected this year, we know that none of those schools serve more than 250 students. All ten combined served only 2,160 students. CEB School alone serves 1,399 students. **None of the school selected were larger construction projects, and none selected were in the Great Plains despite the fact that 17% of all BIE schools are in the Great Plains.**

Congress – not the BIE or the BIA – has the authority to approve which schools are funded for new construction under 25 U.S.C. §2005(d). Congress needs to engage in oversight here in the scoring of schools for new construction. Congress should not approve any schools for expenditure of new school construction funds until that oversight has been provided. We thank Senators Rounds and Thune for initiating a congressional inquiry to have the transparency the 2011 Negotiated Rulemaking Committee required in its findings. We urge Congress to take further action to oversight this process, and not to approve allocations of funds to specific new school construction projects until that oversight has been performed. With a prospect of another round of applications delayed for over another five years while the top five schools are constructed we expect the building to be condemned long before the school is replaced. This disaster can be averted by responsible oversight. We implore Congress to provide oversight in this critical area before approving schools for construction funds to ensure the process is transparent, fair, and in accordance with the Negotiated Rulemaking Committee's agreed upon process.

**CONCLUSION** – In conclusion, I thank you for this opportunity, and I ask that you seriously consider basic funding for infrastructure. The Department of Interior has a trust responsibility to focus resources on basic infrastructure that it is solely responsible for under federal law. It is time that funding is allocated based on actual need long term, instead of pilot projects and administration. Without this commitment, we will not succeed in poverty reduction or creating a stable economy. Part of this commitment must include exempting basic tribal government funding and Indian education from sequestration as well as Indian Health Service funding. Department of Interior revenues to the United States exceed its expenditures by \$3.2 billion annually. It is time to reinvest these funds received by the United States as a result of your access to vast natural resources under treaties with Tribal Nations back into the Tribal nations that lost their resources for the benefit of this Nation.

March 1, 2016

Peter J. Marx  
Federal Affairs  
Choose Clean Water Coalition



Dear Chairman Calvert and Ranking Member McCollum:

The undersigned members of the Choose Clean Water Coalition request continued support for programs that are essential to maintaining and restoring clean water to the rivers and streams throughout the Chesapeake Bay region and to the Bay itself. Two-thirds of the 18 million people in this region get their drinking water directly from the rivers and streams that flow through the cities, towns and farms throughout our six state, 64,000 square mile watershed. This water quality is critical to both human health and to the regional economy.

The efforts to clean the Chesapeake began under President Reagan in 1983. In his 1984 State of the Union speech President Reagan said, "Preservation of our environment is not a liberal or conservative challenge, it's common sense."

To follow a common sense path to maintain healthy local water and restore Chesapeake Bay, which is critical for our regional economy, we request funding for the following programs in Fiscal Year 2017:

#### **U.S. Environmental Protection Agency**

##### **Chesapeake Bay Program -- \$73.0 million**

We support level funding of \$73.0 million for the base budget of the Chesapeake Bay Program, which coordinates Chesapeake Bay watershed restoration and protection efforts. The majority of the program's funds are passed through to the states and local communities for on-the-ground restoration work through programs such as the Small Watershed Grants, Innovative Nutrient and Sediment Reduction Grants, State Implementation Grants, and the Chesapeake Bay Regulatory and Accountability Program grants.

We strongly support the \$12 million for the Chesapeake Small Watershed Grants and the Innovative Nutrient and Sediment Reduction Grants - \$6 million each – that Congress appropriated in FY16. These are two well-run, competitive grant programs that have contributed significantly to water quality improvements throughout the Chesapeake Bay watershed. These are the Bay Program's only grants that go directly to on-the-ground restoration efforts by local governments and communities. Without specific Congressional direction, EPA has, in the past, reallocated this grant money for purposes other than local restoration. This is not the time to stop local implementation of restoration work. We strongly support the language in last year's 2016 Consolidated Appropriations Act, where Congress protected these critical local grant programs: "The Committee recommends \$73,000,000 for the Chesapeake Bay program. From within the amount provided, \$6,000,000 is for nutrient and sediment removal grants and \$6,000,000 is for small watershed grants to control polluted runoff from urban, suburban and agricultural lands." We urge you to retain the same language in the FY 2017 Interior, Environment and Related Agencies Appropriations Bill.

##### **Clean Water State Revolving Fund (SRF) --\$1.448887 billion**

This program is critical to the 1,779 local governments throughout the Chesapeake region. The funding

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Web: [www.ChooseCleanWater.org](http://www.ChooseCleanWater.org)

level has eroded over the years as the clean water needs of local communities have increased dramatically. The Choose Clean Water Coalition supports efforts to close the gap between federal infrastructure investment in clean water and the known need. For instance, legislation has been recently introduced which would authorize the Clean Water State Revolving Fund grant program at a level of \$5.96 billion for FY2017. This is the direction in which we should be going, but at a minimum, appropriations should not fall below \$1.44887 billion—the level appropriated in Fiscal Year 2014 and 2015, when Congress stabilized this critical program. Congress restored most of the President's cuts last year, but the \$1.394 billion was 3.7% below the FY14 and 15 level.

These low interest loans are critical for clean water and for ratepayers in the Chesapeake region and nationwide. We urge you to support the \$1.44887 billion funding level that provided \$311 million in low interest loans to local governments in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia. The President's 2017 Budget request would cut \$102.146 million from those six Chesapeake watershed states and the District of Columbia – a drastic 31% cut for our region from the FY16 level. We do however, strongly support the provision in the President's budget request that targets 20 percent of the Clean Water SRF funds for "green infrastructure and innovative projects including those to manage stormwater, which helps communities improve water quality while creating green space, mitigating flooding, and enhancing air quality."

The Clean Water SRF allocates money to the states based on a set formula, which is then used for low interest loans to local governments for critical capital construction improvement projects to reduce nutrient and sediment pollution from wastewater treatment and stormwater facilities; nonpoint sources of pollution, such as farms and development; and other sources. The Clean Water SRF enables local governments in the Chesapeake watershed to take actions to protect their local waters to meet Clean Water Act requirements. As the list of clean water infrastructure needs in the Chesapeake region continues to expand, we request that Congress restore funding for the Clean Water SRF at least to its FY 14 and 15 levels.

#### **Department of the Interior**

##### U.S. Geological Survey (USGS) -- Chesapeake Bay Studies -- \$12.491 million

We support the President's 2017 budget request of \$12.491 million for the USGS to provide the critical science necessary for restoration and protection efforts in the Chesapeake Bay region, and to implement the 2014 Chesapeake Watershed Agreement. This includes \$500,000 for USGS to collect and use Light Distance and Ranging (LIDAR) data to produce high-quality elevation information needed for the eastern shore of the Chesapeake Bay in Delaware, Maryland and Virginia. The results will help the Chesapeake Bay Program to develop high-resolution land cover information to more effectively place conservation practices to improve water quality and help conserve healthy watersheds.

The USGS will focus on: 1) understanding the factors affecting freshwater fisheries and streams, including the effects of shale gas drilling; 2) identifying sources and effects of endocrine-disrupting compounds and other contaminants that threaten fisheries and wildlife; 3) assessing the effects of sea level rise and development on coastal wetlands important for waterfowl; (4) forecasting the potential effects of land and climate change to inform land conservation; and 5) monitoring and explaining water quality change to inform nutrient and sediment reduction efforts.

##### National Park Service -- Chesapeake Regional Programs -- \$3.05 million

The National Park Service Chesapeake Bay Office runs a number of small, but very important programs

that focus on increasing public access and the use of ecological, cultural and historic resources of the Chesapeake region. Expanding access and public awareness fosters stewardship and protection efforts.

The key programs in the President's FY 2017 budget request that we support are: Chesapeake Bay Gateways and Trails (\$2.02 million); Captain John Smith Chesapeake National Historic Trail (\$391,000); Star Spangled Banner National Historic Trail (\$151,000); and, support for coordinating these programs through the National Park Service Chesapeake Bay Office (\$488,000).

**Department of the Interior/U.S. Department of Agriculture**

National Park Service/U.S. Fish and Wildlife Service/Bureau of Land Management/U.S. Forest Service - Rivers of the Chesapeake Collaborative Landscape Planning Projects – Land and Water Conservation Fund - \$28.261 million

We support the President's 2017 budget that calls for the strategic use of funds for the Land and Water Conservation Fund and, for the second consecutive year, requests funding for the Rivers of the Chesapeake Collaborative Landscape Planning initiative. This effort targets conservation funds for priority landscapes throughout the country; the Rivers of the Chesapeake is one such priority area. These projects will enhance public access and education, preserve key historic and heritage sites and will protect important freshwater and tidal habitat areas critical to an array of fish and wildlife species.

- Bureau of Land Management - Nanjemoy National Resource Management Area (MD) - \$1.6 million\*
- Bureau of Land Management - Nanjemoy National Resource Management Area (MD) - \$1.668 million
- Bureau of Land Management – Meadowood Special Recreation Management Area (VA) - \$1.4 million\*
- Bureau of Land Management – Meadowood Special Recreation Management Area (VA) - \$2.8 million
- U.S. Fish and Wildlife Service – Blackwater National Wildlife Refuge (MD) - \$1.2 million\*
- U.S. Fish and Wildlife Service – James River National Wildlife Refuge (MD) - \$0.9 million
- U.S. Fish and Wildlife Service – Rappahannock River National Wildlife Refuge (VA) - \$8.5 million
- U.S. Forest Service – George Washington-Jefferson National Forests (VA) - \$1.0 million
- National Park Service – Captain John Smith Chesapeake National Historic Trail (VA) - \$2.1 million\*
- National Park Service – Appalachian National Scenic Trail (VA) - \$2.0 million\*
- National Park Service – Piscataway Park (MD) - \$0.55 million
- National Park Service – Fredericksburg and Spotsylvania County National Military Park (VA) - \$4.543 million

\* Indicates projects with Current/Discretionary Authority

National Park Service – Land Protection in Maryland through the Land and Water Conservation Fund -- \$794,000

We support the President's 2017 budget that calls for the strategic use of funds from the Land and Water Conservation Fund to protect and preserve key assets in the National Park System at Piscataway Park (\$794,000) in Maryland. This project will enhance public access and education, preserve key historic

and heritage sites and protect key habitat areas critical to an array of fish and wildlife species.

Thank you for your consideration of these very important requests to maintain funding for these programs which are critical to clean water throughout the mid-Atlantic region. Please contact Peter J. Marx at 410-905-2515 or [peter@choosecleanwater.org](mailto:peter@choosecleanwater.org) with any questions or concerns.

Sincerely,

American Rivers  
 Anacostia Watershed Society  
 Audubon Naturalist Society  
 Blue Heron Environmental Network Inc.  
 Blue Ridge Watershed Coalition  
 Blue Water Baltimore  
 Cecil Land Use Association  
 Chapman Forest Foundation  
 Chesapeake Bay Foundation  
 Chesapeake Wildlife Heritage  
 Citizens for Pennsylvania's Future  
 Clean Water Action  
 Coalition for Smarter Growth  
 Conservation Pennsylvania  
 Conservation Voters of Pennsylvania  
 Delaware Nature Society  
 Earth Forum of Howard County  
 Eastern Pennsylvania Coalition for Abandoned  
   Mine Reclamation  
 Environment America  
 Environment Maryland  
 Environment Virginia  
 Friends of Accotink Creek  
 Friends of Dyke Marsh  
 Friends of the North Fork of the Shenandoah River  
 Green Muslims  
 Interfaith Partners for the Chesapeake  
 Izaak Walton League of America  
 James River Association  
 Lackawanna River Conservation Association  
 Lynnhaven River NOW  
 Maryland Conservation Council  
 Maryland League of Conservation Voters  
 Mattawoman Watershed Society  
 Mehaopany Creek Watershed Association  
 Middle Susquehanna Riverkeeper

National Aquarium  
 National Parks Conservation Association  
 National Wildlife Federation  
 Nature Abounds  
 Natural Resources Defense Council  
 Otsego County Conservation Association  
 Otsego Land Trust  
 PennEnvironment  
 Pennsylvania Council of Churches  
 Piedmont Environmental Council  
 Potomac Conservancy  
 Potomac Riverkeeper  
 Potomac Riverkeeper Network  
 Rivanna Conservation Society  
 Rock Creek Conservancy  
 Sassafras River Association  
 Savage River Watershed Association  
 Shenandoah Riverkeeper  
 Shenandoah Valley Network  
 Sidney Center Improvement Group  
 Sierra Club – Maryland  
 Sierra Club – Pennsylvania  
 Sierra Club – Virginia  
 Sleepy Creek Watershed Association  
 South River Federation  
 St. Mary's River Watershed  
 Stewards of the Lower Susquehanna  
 Trout Unlimited  
 Upper Potomac Riverkeeper  
 Upper Susquehanna Coalition  
 Virginia Conservation Network  
 Virginia League of Conservation Voters  
 Water Defense  
 West & Rhode Riverkeeper  
 West Virginia Rivers Coalition

**Testimony of O. James Lighthizer, President  
Civil War Trust**

**Before the Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
United States House of Representatives  
March 23, 2016**

**Introduction**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide written testimony. My name is James Lighthizer, and I am the president of the Civil War Trust. I come before you today to respectfully request that the House Appropriations Subcommittee for Interior, Environment, and Related Agencies fund the Battlefield Land Acquisition Grants Program at its authorized amount of \$10 million. The program is administered by the National Park Service's American Battlefield Protection Program (ABPP).

The Civil War Trust is a national nonprofit organization dedicated to preserving America's remaining Civil War, Revolutionary War, and War of 1812 battlefields. Thanks to the generosity of our 200,000 members and supporters, the Civil War Trust has protected more than 42,500 acres of critically important battlefield land in 23 states.

The ABPP's Battlefield Land Acquisition Grants Program is an authorized competitive matching grants program that requires a 1 to 1 federal/non-federal match, although on most occasions the federal dollars are leveraged much more than 1 to 1. The program promotes cooperative partnerships between state and local governments and the private sector to protect high priority battlegrounds outside National Park Service boundaries.

**Battlefield Lands are Our Shared American Heritage**

America's battlefields are an irreplaceable part of our shared national heritage. When preserved, these battlefields serve as outdoor classrooms to educate current and future generations about the defining moment in our country's history. They are living monuments, not just to the men who fought and sacrificed there, but to all who have proudly worn our nation's uniform. Preserved battlefields are also economic drivers for communities, bringing in tourism dollars that are extremely important to state and local economies. When these hallowed grounds are lost, they are lost forever.

**Origins of the Program**

In 1990, Congress created the Civil War Sites Advisory Commission (CWSAC), a blue-ribbon panel composed of lawmakers, historians and preservationists, to exam the status of America's Civil War battlefields. Three years later, the Commission released a report identifying the most important Civil War battlegrounds, prioritizing them according to preservation status and historic significance. In addition, the Commission also recommended that Congress establish a federal matching grant program to encourage the private sector to invest in battlefield preservation. The Commission's proposal for federal matching grants was the genesis of today's ABPP's Battlefield Land Acquisition Grants Program.

The National Defense Authorization Act for FY 2015 (P.L. 113-291) reauthorized the battlefield acquisition grants program and expanded its eligibility to include Revolutionary War and War of 1812 battlefields, in addition to Civil War battlefields. Similar to the Civil War grants, which are awarded for priority battlefield land identified in the CWSAC report, funding for Revolutionary War and War of 1812

battlefields will target sites listed in a 2007 study by the National Park Service. Among the battlefields that could potentially benefit from the expanded program are: Bennington, N.Y. and Vt.; Brandywine, Pa.; Cowpens, S.C.; Caulk's Field, Md.; Guilford Courthouse, N.C.; Princeton, N.J.; River Raisin, Mich.; Saratoga, N.Y.; and Yorktown, Va.

Since the program was first funded in FY1999, grants have been used to protect more than 24,500 acres of hallowed ground in 17 states. Among the many battlefields that have benefited from this program are: Antietam, Maryland; Bentonville, North Carolina; Champion Hill, Mississippi; Chancellorsville, Virginia; Chattanooga, Tennessee; Gettysburg, Pennsylvania; Harpers Ferry, West Virginia; Mill Springs, Kentucky; Prairie Grove, Arkansas; and Wilson's Creek, Missouri. It is important to note that grants are awarded for acquisition of lands from willing sellers only; there is — and never has been — any eminent domain authority.

### **Urgent Need for Funding**

The Civil War Trust wishes to thank the Subcommittee for its previous support for this valuable program. We recognize that these are difficult economic times and appreciate the constraints on this Subcommittee. However, we must point out that the clock is ticking on the remaining battlefields of the Revolutionary War, War of 1812 and Civil War. The Civil War Trust estimates that, in the next decade, most unprotect battlefield land will be either developed or preserved. Full funding for the Battlefield Land Acquisition Grants Program at its authorized level of \$10 million a year will enable nonprofit groups like the Trust to protect as many key battlefield lands as possible in the limited time remaining.

### **Conclusion**

The Revolutionary War, the War of 1812, and the Civil War were defining moments in our country's history. Our forbearers secured our independence from Great Britain and forged our democratic ideals during the Revolutionary War and War of 1812. During the Civil War, the great armies of the North and South clashed in hundreds of battles that reunited our union and sounded the death knell for slavery. Preserved battlefields help insure that the sacrifices of these turbulent periods in our nation's history are never forgotten.

Mr. Chairman Calvert and Ranking Member McCollum, I sincerely hope you and your subcommittee will consider our request to provide funding of the ABPP's Battlefield Land Acquisition Grants Program at its authorized level of \$10 million. We look forward to working closely with you as we continue our important work to preserve America's sacred battlefield lands. Thank you for the opportunity to address the committee.

Submitted by Faith T. Campbell, Vice President, Center for Invasive Species Prevention  
On behalf of the following members of the Coalition Against Forest Pests:

American Public Gardens Association, Center for Invasive Species Prevention,  
Davey Tree Expert Company,  
Pennsylvania Department of Conservation and Natural Resources,  
Society of American Foresters, Vermont Woodlands Association

Submitted to the House Committee on Appropriations  
Submitted to the House Subcommittee on Interior, Environment, and Related Agencies  
Concerning fiscal year 2016 USDA Forest Service Appropriations

Agency: USDA Forest Service

22 March, 2016

The Coalition Against Forest Pests consists of non-profit organizations, for-profit entities, landowners, state agency associations and academic scholars who have joined together to improve our nation's efforts to address forest health threats. We write to ask your support for adequate funding for the Forest Health Management programs – both federal and cooperative lands – and the Forest and Rangeland Research programs in the USDA Forest Service (USFS). **We respectfully request your support in funding the Forest Health Management programs at \$100 million – \$52 million Federal Lands and \$48 million Cooperative Lands – and the Forest and Rangeland Research program at \$303 million in Fiscal Year (FY) 2017.**

Forested landscapes cover approximately one-third of the total land area of the United States, including 136 million acres in urban environments. Our nation's forests and trees provide numerous benefits in both rural and urban areas. These benefits include wood products, wildlife habitat, carbon sequestration, clean water and air, and aesthetic enjoyment. Harvest of numerous woodland products and forest-associated recreation provide hundreds of thousands of jobs and generate considerable economic activity across all 50 states.

These benefits are at risk to attacks by non-native insects and diseases. While most of the monetized losses occur in cities, the threat is to all forests. The Asian longhorned beetle kills trees in 15 botanical families – especially maples and birches which constitute much of the forest reaching from Maine to Minnesota. The polyphagous and Kuroshio shot hole borers now spreading in southern California threaten more than 300 plant species, including tree species that anchor the region's riparian areas as well as half of the trees planted in urban areas of the region. The beetles might also threaten forests in other warm regions of the country such as the Gulf Coast, where some of the host trees grow. In 16 coastal California and Oregon counties, sudden oak death has killed over one million tanoaks as well as hundreds of thousands of coast live oaks and other trees. Sudden oak death attacks a wide range of trees and shrubs native to eastern forests, including northern red, chestnut, white, and pin oaks; sugar maple; black walnut; mountain laurel; rhododendrons; and viburnum. The emerald ash borer has already

killed untold millions of ash trees in 25 states, with resulting damage to wetland and riparian areas and posing a potential threat to dependent invertebrates.

The cost to urban areas and homeowners is staggering: municipal governments across the country spend more than \$2 billion each year to remove trees on city property killed by non-native pests. Homeowners spend an additional \$1 billion to remove and replace trees on their properties and are absorbing an additional \$1.5 billion in reduced property values.

Nor are these pests' damages confined to urban areas. Once a newly introduced species has established a beachhead in the city, it spreads -- to suburban woodlots and then into the forest. This phenomenon is illustrated by the spread of the Asian longhorned beetle in Massachusetts, the emerald ash borer across 25 states, and the redbay ambrosia beetle in the southeast.

The risk to forest systems and the benefits we receive from them continues to grow. At least 28 new tree-killing pests have been detected over the last decade. Every day, an estimated 35 shipping containers from abroad carry to our shores a tree-killing pest.

The USFS Forest Health Management Program is a critical resource supporting federal, state, municipal and landowner efforts to prevent, contain, and eradicate these costly and dangerous pests. The Program has supported Oregon's efforts to slow the spread of sudden oak death; Plains states' strategies to address the threat from emerald ash borer; whitebark pine restoration plantings in the Mountain states; and the decades-old, successful program to slow the spread of the gypsy moth. This program has been cut by 10% over the last five years, reducing its reach and effectiveness. It is particularly essential that funding for work on "cooperative" lands -- that is, state, municipal, and private lands -- be restored to \$48 million. We ask further that the Subcommittee instruct program managers to allocate a higher proportion of total funds to projects targeting non-native insects or pathogens. In recent years, such projects have received only about \$12 million, or 13% of total program funds.

The USFS Forest and Rangeland Research program provides the scientific foundation for developing effective tools to detect and manage forest pests and the pathways by which they are introduced and spread. As America's forests face increasing pressure from the growing number of non-native pests, a greater research engagement is critical. For example, tools are desperately needed to detect and contain the polyphagous and Kuroshio shot hole borers. Promising research to support breeding ash trees resistant to the emerald ash borer needs to be taken to its conclusion so breeders can begin restoring ash trees. Pathways of introduction and spread require additional analysis, *e.g.*, wood packaging, nursery stock and firewood. To support these efforts, we respectfully request that the Subcommittee fund the USFS Forest and Rangeland Research program at \$303 million in FY 2017. We ask further that the subcommittee recommend that a higher proportion of these funds be allocated to projects specifically targeting non-native insects or pathogens. In recent years, such projects have received only \$5 million -- less than 2% of total research funding.

We would be pleased to answer any questions you may have. Please contact Faith Campbell at [phytodoer@aol.com](mailto:phytodoer@aol.com). Thank you for your time and consideration of this request.



## GOVERNORS

Doug Ducey, AZ  
 Jerry Brown, CA  
 John Hickenlooper, CO  
 Brian Sandoval, NV  
 Susana Martinez, NM  
 Gary R. Herbert, UT  
 Matthew H. Mead, WY

## FORUM MEMBERS

**Arizona**  
 Thomas Buschatzke  
 Marie Pearthree  
 Linda Taunt

**California**  
 Bill Hasencamp  
 Thomas Howard  
 Tanya Trujillo

**Colorado**  
 James Eklund  
 Pat Waltzgraff  
 David W. Robbins

**Nevada**  
 Leo M. Drozdoff  
 John J. Entsminger  
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**New Mexico**  
 Tom Blaine  
 Trais Kliphuis

**Utah**  
 Leah Ann Lamb  
 Eric Mills  
 Gawain Snow

**Wyoming**  
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 Patrick T. Tyrrell  
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## OUTSIDE WITNESS TESTIMONY FY 2017 APPROPRIATION

**TO:** The Honorable Ken Calvert, Chairman  
 The Honorable Betty McCollum, Ranking Member  
 House Committee on Appropriations – Subcommittee on  
 Interior, Environment, and Related Agencies

**SUBJECT:** Continued Funding for the Colorado River Basin Salinity  
 Control Program under BLM's Soil, Water and Air  
 Program

**FROM:** Don A. Barnett, Executive Director  
 Colorado River Basin Salinity Control Forum

**DATE:** March 9, 2016

Waters from the Colorado River are used by nearly 40 million people for municipal and industrial purposes and used to irrigate approximately 5.5 million acres in the United States. Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. The U.S. Bureau of Reclamation (Reclamation) has estimated the current *quantifiable* damages at about \$382 million per year. Congress authorized the Colorado River Basin Salinity Control Program (Program) in 1974 to offset increased damages caused by continued development and use of the waters of the Colorado River. Modeling by Reclamation indicates that the *quantifiable* damages would rise to approximately \$614 million by the year 2035 without continuation of the Program. Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the **Bureau of Land Management (BLM)**. BLM funds these efforts through its **Soil, Water and Air Program**. BLM's efforts are an essential part of the overall effort. A funding level of **\$1.5 million** for salinity specific projects in 2017 is requested to prevent further degradation of the quality of the Colorado River and increased downstream economic damages.

EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado

River Basin is federally owned, much of which is administered by BLM. In implementing the Colorado River Basin Salinity Control Act in 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to the quality of waters being delivered to Mexico. Title II of the Act deals with improving the quality of the water delivered to users in the United States. This testimony deals specifically with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin and to pursue salinity control studies and to implement specific salinity control practices. BLM is now working on creating a comprehensive Colorado River Basin salinity control program as directed by Congress. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Concentration of salt in the Colorado River causes approximately \$382 million in quantified damages and significantly more in unquantified damages in the United States and results in poor water quality for United States users. Damages occur from:

- a reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector,
- increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector, and
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

The Colorado River Basin Salinity Control Forum (Forum) is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum is charged with reviewing the Colorado River's water quality standards for salinity every three years. In so doing, it adopts a Plan of Implementation consistent with these standards. The level of appropriation requested in this testimony is in keeping with the adopted Plan of Implementation. If adequate funds are not appropriated, significant damages from the higher salinity concentrations in the water will be more widespread in the United States and Mexico.

In summary, implementation of salinity control practices through BLM is a cost effective method of controlling the salinity of the Colorado River and is an essential component to the overall Colorado River Basin Salinity Control Program. Continuation of adequate funding levels for salinity within the Soil, Water and Air Program will assist in preventing the water quality of the Colorado River from further degradation and significant increases in economic damages to municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved drinking water quality to nearly 40 million Americans.



**OUTSIDE WITNESS TESTIMONY  
FY 2017 APPROPRIATION**

**TO:**           **The Honorable Ken Calvert, Chairman**  
                   **The Honorable Betty McCollum, Ranking Member**  
                   **House Committee on Appropriations – Subcommittee on Interior,**  
                   **Environment, and Related Agencies**

**SUBJECT:**   **Continued Funding for the Colorado River Basin Salinity Control Program**  
                   **under BLM's Soil, Water and Air Program**

**FROM:**       **Tanya Trujillo, Executive Director**  
                   **Colorado River Board of California**

**DATE:**       **March 21, 2016**

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This testimony is in support of Fiscal Year (FY) 2017 funding for the Department of the Interior's Bureau of Land Management (BLM) associated with the sub-activity that assists Title II of the Colorado River Basin Salinity Control Act of 1974 (P.L. 93-320). This long-standing successful and cost-effective salinity control program in the Colorado River Basin is being carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (P.L. 92-500). Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the **Bureau of Land Management (BLM)**. BLM funds these efforts through its **Soil, Water and Air Program**. BLM's efforts are an essential part of the overall effort. A funding level of **\$1.5 million** for salinity specific projects in 2017 is requested to prevent further degradation of the quality of the Colorado River and increased downstream economic damages.

The Colorado River Board of California (Colorado River Board) is the state agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California participates along with the other six Colorado River Basin states through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts. In close cooperation with the U. S. Environmental Protection Agency (EPA) and pursuant to requirements of the Clean Water Act, the Forum is charged with reviewing the Colorado River water quality standards every three years. The Forum adopts a Plan of Implementation consistent with these water quality standards. The level of appropriation being supported in this testimony is consistent with the Forum's *2014 Plan of Implementation*. The Forum's *2014 Plan of Implementation* can be found on this website: <http://coloradoriversalinity.org/docs/2014%20Final%20REVIEW%20-%20complete.pdf>. If

March 21, 2016  
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adequate funds are not appropriated, significant damages associated with increasing salinity concentrations of Colorado River water will become more widespread in the United States and Mexico.

The EPA has determined that more than sixty-percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. Through passage of the Colorado River Basin Salinity Control Act in 1974, Congress recognized that much of the salts in the Colorado River originate on federally-owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to efforts related to maintaining the quality of waters being delivered to Mexico pursuant to the 1944 Water Treaty. Title II of the Act deals with improving the quality of the water delivered to U.S. users. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to coordinate BLM efforts in the Colorado River Basin states to pursue salinity control studies and to implement specific salinity control practices. BLM is now working on creating a comprehensive Colorado River Basin salinity control program as directed by Congress. With a significant portion of the salt load of the Colorado River coming from BLM-administered lands, the BLM portion of the overall program is essential to the success of the entire effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Over the thirty-two years since the passage of the Colorado River Basin Salinity Control Act, much has been learned about the impact of salts in the Colorado River system. Currently, the salinity concentration of Colorado River water causes about \$382 million in quantifiable damages in the United States annually. Economic and hydrologic modeling by Reclamation indicates that the quantifiable damages could rise to more than \$614 million by the year 2035 without the continuation of the Salinity Control Program. For example, damages can be incurred related to the following activities:

- a reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector,
- an increase in the amount of imported water,
- an increased cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,

March 21, 2016

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- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector,
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and
- an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

The Colorado River is, and will continue to be, a major and vital water resource to the nearly 20 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. The protection and improvement of Colorado River water quality through an effective salinity control program will avoid the additional economic damages to users in California and the other states that rely on Colorado River water resources.

**Consolidated Tribal Health Project, Inc.**  
 6991 N. State St., Redwood Valley, CA 95470  
 707-485-5115  
 Michael Knight  
 Chairman, CTHP Board of Directors  
 Chairman, Sherwood Valley Band of Pomo Indians

Testimony submitted to the House and the Senate Appropriations Subcommittees  
 on Interior, Environment and Related Agencies

Regarding FY 2017 Indian Health Service Appropriations  
 March 23, 2016

The requests of the Consolidated Tribal Health Project, Inc. (CTHP) for the FY 2017 Indian Health Service (IHS) budget are as follows:

- Provide mandatory funding for contract support costs, and eliminate language that may be misread to conflict with the carryover funding authority in the Indian Self-Determination and Education Assistance Act.
- Shield the IHS from sequestration in FY 2017 and beyond.
- Place IHS funding on an advance appropriations basis.
- Provide funding for built-in costs.
- Provide the requested \$25 million increase for behavioral health.

The Consolidated Tribal Health Project, Inc. is an intertribal consortium of nine tribes in Mendocino County in Northern California. We serve more than 3,200 patients, more than three-quarters of whom are American Indian and Alaska Native. We provide comprehensive medical, dental, and behavioral health care to our patients, as well as traditional healing and cultural events each month, home visits, and health screenings, and—through the Purchased and Referred Care program—manage care for our patients when they need services beyond that which CTHP provides. We operate under a self-governance agreement with the IHS under the Indian Self-Determination and Education Assistance Act (ISDEAA).<sup>1</sup>

As an intertribal organization providing health care services via an ISDEAA agreement, we wish to highlight structural changes in the budget of the IHS that we believe are necessary to ensure the agency's programs and health care outcomes for Native people can continue to improve.

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<sup>1</sup> Our consortium includes the Cahto Indian Tribe of the Laytonville Rancheria, Coyote Valley Band of Pomo Indians, Guidiville Rancheria, Hopland Band of Pomo Indians, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley Rancheria, Sherwood Valley Rancheria, and an *ex officio* member from the Yokayo Provisional Council Tribe. We serve both Native and non-Native patients in our area.

***Contract Support Costs Mandatory Funding.*** We wish to thank Congress for fully funding Contract Support Costs (CSC) in FY 2016. For FY 2017, we support the President's request for an appropriation of "such sums as may be necessary," with an estimated \$800 million for CSC for the IHS, provided in a separate account in the IHS's discretionary budget. We strongly disagree with the proviso that was included in both the FY 2016 appropriations language and the Administration's proposed FY 2017 budget, which states: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years." This proviso is concerning to us because it could be misread to effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. We thus ask that the proviso be removed for FY 2017 and not included in future appropriations for CSC.

We also support the Administration's proposal to fully fund CSC on a mandatory basis in FYs 2018-2020, though we would prefer that begin in FY 2017 and, of course, that it be a permanent, indefinite appropriation.

We understand that Member-to-Member communications are incredibly important. You have had a lot of experience in the past speaking with Native leaders about their frustrations regarding the inequity of tribes and tribal organizations who contract to assume administration of federal programs without being paid for the costs to administer them. We ask for your active help in working with the Budget Committee and any others on this proposal for mandatory CSC funding.

***Protect the IHS from Sequestration.*** We are glad that Congress took action to avert a sequestration of IHS funds in FYs 2014, 2015, and 2016. However, we are concerned that the IHS's funding may be subject to sequestration in future years. The IHS was subject to sequestration in FY 2013 of roughly 5 percent of its overall budget, even though other health programs—such as the Veterans Administration (VA), State Medicaid grants and most of Medicare—were not. The VA was made fully exempt from sequestration for all programs administered by the VA. See § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). We strongly urge Congress to fully exempt the IHS from any future sequestration, just as the VA and other health programs are exempt.

***IHS Advance Appropriations.*** We ask to Committee to transition the IHS budget to an advance appropriations basis. We know you are sympathetic to our frustrations caused by the funding of IHS and other federal agencies via Continuing Resolutions. Over the past several fiscal periods, appropriations have been enacted well after the beginning of the federal fiscal year. The current (FY 2016) fiscal year funding was enacted two and half months after the beginning of the fiscal year. In FYs 2015 and 2014 it was 2.5 and 3.5 months, respectively. In FY 2013 it was six months after the start of the fiscal year before the appropriations were enacted. This significantly harms our ability to provide health care services. We want to do the best job possible in planning, decision-making and administering programs, but are limited by not knowing how much funding will be available or when it will be available. It also requires us to constantly modify our budget—time and resources that would be better devoted to providing

health care services, improving the efficiency of service delivery, or pursuing third party reimbursements.

The Veterans Administration (VA) funding is on an advance basis, and the Budget and Appropriations Committees have provided the necessary support for that authority. We and others in Indian Country were struck by the justification in the proposed FY 2016 budget (FY 2017 advance appropriations) for the VA:

For 2017, the Budget requests \$63.3 billion in advance appropriations for the three medical care appropriations: Medical Services, Medical Support and Compliance, and Medical Facilities. This request for advance appropriations fulfills the Administration's commitment to provide reliable and timely resources to support the delivery of accessible and high-quality medical services for veterans. This funding enables timely and predictable funding for VA's medical care to prevent our Nation's veterans from being adversely affected by budget delays, and provides opportunities to more effectively use resources in a constrained fiscal environment. (Appendix, Budget of the U.S. Government, p. 1058).

The FY 2017 budget proposal continues to discuss VA funding in light of the need to provide "timely, high-quality health care for the Nation's veterans." Our need is no less great and the promise made for our health care is no less solemn. We ask for parity in this regard.

***Funding for Built-in Costs.*** We appreciate the Administration's FY 2017 request of \$159 million for built-in costs consisting of \$75.4 million for medical inflation at a 5.8% rate; \$26 million for pay costs; and \$43.2 million to partially fund population growth. Built-in costs are often sacrificed in the budget negotiation process, and when they are not included, it affects all programs. Inflation (both medical and non-medical), essential pay raises for employees, and population growth are real facts of life that affect our ability to provide sufficient health care services. We urge Congress to fund this request.

***Funding for Behavioral Health.*** We support the Administration's much-needed request of a \$25 million increase for a Behavioral Health Integration Initiative. The goal of that Initiative is to integrate behavioral health services into the primary health systems and to collaborate with services that may be provided outside the primary health care delivery system, such as substance abuse and mental health services. A portion of the funds (\$3.6 million) are to be used for tribes and tribal organizations to establish Zero Suicide programs focusing on the role of medical and behavioral health systems in the prevention of suicide. The Centers for Disease Control and Prevention reports that American Indian/Alaska Native youth have the highest rates of suicide-related fatalities in the nation, and we know it is something we struggle with in our communities; we see this funding as essential.

Thank you for the consideration of the concerns and requests of the Consolidated Tribal Health Project.



March 23, 2016

David Houghton, Chair, Cooperative Alliance for Refuge Enhancement  
1001 Connecticut Ave. NW, Suite 905  
Washington, D.C. 20036

**WRITTEN TESTIMONY OF THE  
COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES REGARDING FISCAL YEAR 2017  
APPROPRIATIONS FOR THE NATIONAL WILDLIFE REFUGE SYSTEM**

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

The National Wildlife Refuge System stands alone as the only federal land and water conservation system with a mission that prioritizes wildlife and habitat conservation alongside wildlife-dependent recreation. Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong congressional commitment for conserving these special landscapes.

Found in every U.S. state and territory, national wildlife refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including wetlands, coasts, forests, prairie, tundra, deserts, and oceans, and provide Americans with an opportunity to encounter and engage with these areas.

**We ask that the Committee provide a funding level of \$506.6 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2017.** We also thank you for the much needed \$7 million funding increase for FY 2016—the continued support of the Committee for refuges will be much appreciated by all of our organizations.

This testimony is submitted on behalf of CARE's 23 member organizations, which represent over 16 million American hunters, anglers, bird and wildlife watchers, scientists, managers, and concerned citizens passionate about wildlife conservation and related recreational opportunities.

American Birding Association  
American Fisheries Society  
American Sportfishing Association  
Association of Fish and Wildlife Agencies  
Congressional Sportsmen's Foundation  
Defenders of Wildlife  
Ducks Unlimited, Inc.  
Izaak Walton League of America  
Marine Conservation Institute  
National Audubon Society  
National Rifle Association  
National Wildlife Federation

National Wildlife Refuge Association  
Safari Club International  
Sportsmen's Alliance  
The Corps Network  
The Nature Conservancy  
The Wilderness Society  
The Wildlife Society  
Theodore Roosevelt Conservation Partnership  
Trout Unlimited  
Wildlife Forever  
Wildlife Management Institute

The National Wildlife Refuge System, established by President Theodore Roosevelt in 1903, protects approximately 150 million acres on 563 national wildlife refuges and 38 wetland management districts in every state and territory in the U.S. An additional 418 million acres of water within the Pacific marine monuments round out the total of 568 million acres within the management jurisdiction of the Refuge System. From the Virgin Islands to Guam to Alaska to Maine, the Refuge System spans 12 time zones and protects America's natural heritage in habitats ranging from arctic tundra to arid desert, boreal forest to sagebrush grassland, and prairie wetlands to coral reefs.

A refuge is within an hour's drive from most metropolitan areas, enabling the Refuge System to attract a growing number of visitors each year (48.5 million in FY15, up from 46.5 million just two years before) providing opportunities for hunting, fishing, wildlife observation, photography, kayaking, hiking, and outdoor education. In fact, from 2006 – 2011, during our nation's greatest economic recession since the Great Depression, visitation to our national wildlife refuges increased by 30%, showcasing the value Americans place on the Refuge System.

CARE welcomes recreational use of our nation's refuges. Refuge visitors generate \$2.4 billion annually to local and regional economies – on average returning \$4.87 in economic activity for every \$1 appropriated – and support 35,000 U.S. jobs<sup>1</sup>. In addition, refuges provide major environmental and health benefits, such as filtering storm water before it is carried downstream and fills municipal aquifers; reducing flooding by capturing excess rainwater; and minimizing the damage to coastal communities from storm surges. Refuges generate more than \$32.3 billion in these ecosystem services each year, a return of over \$65 for every \$1 appropriated by Congress<sup>2</sup>.

The Refuge System budget is now \$77 million below the level needed to keep pace with inflation plus salary increases, relative to the FY10 budget of \$503.2 million. Workforce has declined in that time by over 500 positions, who provided services such as administration, maintenance, fire management, wildlife management, and research support. That is a loss of 1 out of 7 refuge positions. As a result, refuges are struggling to be maintained and provide the adequate visitor services, environmental education, access for hunting, and law enforcement that will ensure healthy habitat and a safe and enjoyable visitor experience.

Unfortunately, inadequate funding threatens the System's ability to carry out its mission, which is mandated by the National Wildlife Refuge System Improvement Act of 1997. Between FY10 and FY13, Refuge System funding was reduced by \$50 million – a 10% cut. Even with increased budgets in FY16 to \$481 million, the Refuge System continues to function at unsustainable levels. CARE estimates that the Refuge System needs at least \$900 million in annual operations and maintenance funding to meet conservation targets, including wildlife management, habitat restoration, and opportunities for public recreation.

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<sup>1</sup> *Banking on Nature*, U.S. Fish and Wildlife Service, October 2013.  
<http://www.fws.gov/refuges/about/refugereports/pdfs/BankingOnNature2013.pdf>

<sup>2</sup> *The Economics Associated with Outdoor Recreation, Natural Resources Conservation, and Historic Preservation in the United States*, Southwick Associates, October 2011,  
[https://www.fws.gov/refuges/news/pdfs/TheEconomicValueofOutdoorRecreation\[1\].pdf](https://www.fws.gov/refuges/news/pdfs/TheEconomicValueofOutdoorRecreation[1].pdf)

The FY15 Refuge Annual Performance Plan (RAPP) reports revealed falling performance rates in several important System categories – as a direct result of funding shortfalls – including habitat condition, habitat restoration, recreation opportunities, volunteerism, and scientific research. The following measures for which performance declined from FY10 to FY15:

- Open water acres restored (- 63%)
- Wetland acres restored (- 70%)
- Acres of non-native, invasive plants controlled (- 58%)
- Number of invasive animal populations controlled during the year (- 55%)
- Acres treated for non-native, invasive plants (- 34%)
- Riparian miles restored (- 30%)
- Acres of farming (- 30%)
- Total refuge acres receiving needed management (- 12%)
- Number of volunteers (-14%)
- Volunteer hours (-2%)
- Fishing visits (- 5%)

However, many measures of public use increased for the Refuge System over this same time frame, despite budget shortfalls. Funding for FY17 needs to ensure Americans will be able to continue these valuable recreational activities. These include:

- Hunting visits (+2%)
- Waterfowl hunt visits (+7%)
- Photography participants (+ 52%)
- Number of boat trail visits (+ 18%)
- Acres of prescribed grazing (+ 13%)
- Number of auto tour visits (+ 14%)
- Wildlife observation visits (+ 12%)
- Number of visitors (+ 9%)

Refuge visitation is growing and is expected to continue. In fact, from FY10 to FY15, the Refuge System welcomed 9% more visitors. However, refuges are losing valuable staff committed to visitors and volunteers. We thank you for the \$500,000 increase to the visitor services budget line in FY16, which will be helpful in slowing that loss. Volunteers provide numerous benefits to the Systems, from staffing refuge nature stores, maintenance, interpretation, and much more. These volunteer can only work when the System is reasonably staffed and thus able to extend requisite volunteer training and oversight.

Further reductions or stagnation in Refuge System funding will likely show continued declines in the System's conservation work and public use opportunities. If annual operations and maintenance funding does not rise, CARE anticipates further impacts both within and outside of refuge boundaries, including:

- Reduced treatment of invasive plants, reducing habitat quality for wildlife (both game and non-game) and placing nearby private lands at higher risk of infestations;
- Decreased use of prescribed fire, which is used on refuges both to improve habitat for wildlife and to reduce hazardous fuels that pose a wildfire risk to nearby communities;
- Reduced number and quality of visitor programs, with visitor centers operating at fewer hours, and delayed plans to add or expand hunting programs at refuges;

- Lost revenue for local communities as visitor numbers drop. According to the U.S. Fish and Wildlife Service FY13 budget justification, “Each one percent increase or decrease in visitation impacts \$16.9 million in total economic activity, 268 jobs, \$5.4 million in job-related income, and \$608,000 in tax revenue.”
- Elimination of ancillary functions like FWS’s operation of Henderson Field at Midway Atoll National Wildlife Refuge, which serves as a critical emergency landing site for trans-pacific flights, as well as the public’s main window to the vast marine national monuments.

Challenges abound throughout the system. In California, years of severe drought have caused a dramatic reduction of water deliveries to wildlife refuges, while proposals to change deliveries from higher quality surface water to brackish groundwater threaten the functionality of these refuges as waterfowl habitat. In Minnesota, the Morris Wetland Management District has seen a staffing reduction of 70% leading to the conversion of native prairie and waterfowl habitat to forest as a result of decreased fire management of wetland habitats. At the Loxahatchee NWR in Florida, instead of healthy takes, alligator hunters found emaciated animals severely impacted by the drastic increase in invasive species on the refuge.

**The common denominator to all these challenges is a lack of funding. Adequate staffing and funding are critical to the maintenance of healthy wildlife populations and access for recreational users to a healthy ecosystem.**

We understand the budget constraints the Committee is working under; however, we see the systemic declines in performance of the Refuge System on a daily basis due to the lack of adequate funding. As stated above, the System needs a minimum of \$900 million each year to function the way it was intended, and CARE is dedicated to working with your Committee to see that this goal is reached.

CARE is supporting the President’s request of \$506.6 million for FY17, although it is substantially less than what the System needs. Albeit roughly half the optimal funding amount, \$506.6 million is a \$25 million increase, and we hope it will help the System maintain its ability to manage refuge lands as intended in their purpose for the benefit of the American people. If the requested funding level is satisfied, the Refuge System can better:

- Conduct management and restoration activities to provide healthy habitats that attract wildlife and, in turn, draw visitors and increase economic return to communities;
- Keep refuges open and staffed so quality recreational opportunities continue to be offered to the public;
- Maintain facilities and equipment used to serve the public and manage habitat;
- Provide federal wildlife officers needed to keep refuge resources and the people who come to appreciate them safe.

**We urge Congress to fund the Refuge System at \$506.6 m in FY17 – to bridge the growing gap between what the System needs and what it receives, enabling refuges to continue moving America forward.**

On behalf of our more than 16 million members and supporters, CARE thanks the Subcommittee for the opportunity to submit comments on the FY 2017 House Interior Appropriations bill, and we look forward to meeting with you to discuss our request.



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**March 23, 2016**

**From:** Mary Ellen Sprenkel, President & CEO, The Corps Network  
**Subject:** Written Testimony on the FY17 Interior Appropriations Bill

The Honorable Ken Calvert  
 Chairman  
 House Appropriations Subcommittee  
 on Interior and Environment  
 B-308 Rayburn HOB  
 Washington, DC 20515

The Honorable Betty McCollum  
 Ranking Member  
 House Appropriations Subcommittee  
 on Interior and Environment  
 2256 Rayburn HOB  
 Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum;

We write to respectfully urge your support for funding the Department of Interior (DOI), and related agencies, and the US Forest Service (USFS) in Fiscal Year 2017. As you craft the Interior Appropriations bill, we encourage you take into account the significant leveraging of limited federal resources our Corps accomplish in partnership with these land management agencies, and ensure they have adequate funding to expand on our proven and cost-effective public-private partnerships.

In particular, Corps of the Corps Network around the country support DOI and USFS budgets for operation, maintenance, and construction which are used to engage Corps to help address the billions in backlogged projects and resource management needs on public lands; the Engaging the Next Generation proposals; the Centennial Initiative; and funding for Wildland Fire Management through both DOI and USFS. By partnering with Corps, agencies achieve much more with their budgets and also provide opportunity for youth and veterans to learn job skills and while accomplishing high-priority projects.

Additionally, these accounts help support partnerships with our 21<sup>st</sup> Century Conservation Service Corps (21CSC) initiative, which has received bipartisan support in Congress from Senators John McCain and Michael Bennet, and out, from Former Army General Stanley McChrystal and President Bush's Domestic Policy Advisor, John Bridgeland. We're privileged to also have the support of the past four secretaries of the interior – two Republicans and two Democrats – and private sector support from KEEN, the North Face, American Eagle Outfitters, the Outdoor Industry Association, and other organizations like the Vet Voice Foundation, and the American Recreation Coalition.

Thank you for your efforts in ensuring those accounts were strong in the Consolidated Appropriations Act of 2016. With additional support from the 2016 Act, our Corps will help accomplish millions in critical projects and engage the next generation of resource management leaders while also multiplying limited federal funds. For example, Corps have utilized \$150 million in project funding from DOI and USFS over the past three years and turned that into



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millions more in matched funds and service projects, with the added benefit of engaging youth and veterans in meaningful hands-on work experiences outdoors.

**In 2015 alone, our Corps around the country have:**

- Restored 567,000 acres of ecological habitat
- Removed 365,000 acres of invasive species
- Reduced 32,000 acres of hazardous fire fuel
- Responded to 500 wildfire remediation and response needs
- Built and maintained 11,000 miles of multi-use trails
- Maintained and improved 16,000 parks and public spaces/facilities
- Planted and maintained 2.8 million trees

The Corps Network represents our country's 130+ Service and Conservation Corps. Descended from the Civilian Conservation Corps (CCC), today's Corps provide youth and veterans with the opportunity to advance their education, obtain critical career-readiness and job skills, and earn a stipend while they perform important conservation service projects on public lands. Collectively, our Corps enroll 24,000 Corpsmembers, engage an additional 100,000 volunteers, and complete thousands of service projects valuing hundreds of millions of dollars each year, with volunteer hours valued at nearly \$10 million each year.

Project sponsors consistently express a high degree of satisfaction with the quality of work and productivity of Corps. Virtually all federal project partners (99.6%) say they would work with Corps again and an independent study commissioned by the National Park Service found an over 50 percent cost savings in using Corps on projects. In addition, the Corps Model has been rigorously tested and proven to be an effective youth development model and a recent study found that Corpsmembers gained significant career and leadership skills like teamwork, community engagement, critical thinking, and communication through their term of service.

Corps also work to be inclusive and engage many veterans, Native Americans, and disconnected youth who have either dropped out of school or are unemployed. Over half of Corpsmembers are minorities and nearly half are women. In addition to the normal work week, Corpsmembers receive a wide range of personal and professional development including, but not limited to: workforce services; adult and peer-mentoring; academic programming; industry-recognized certificates and credentials; and a modest stipend - all to prepare them for postsecondary education and/or career success.

**FY17 Interior Appropriations Priorities**

The Corps Network respectfully urges the committee to support these programs that will allow public land management agencies to engage youth and veterans through Corps to leverage federal funds to address more backlogged maintenance needs:

- **Department of Interior – Engaging the Next Generation:** \$102 million in FY17; funded at \$64.8 million in FY16



- **Department of Interior – Wildland Fire Management:** \$1.1 billion in FY17; funded at \$993 million in FY16
- **National Park Service – Operation:** \$2.5 billion in FY17; funded at \$2.3 billion in FY16
- **National Park Service – Centennial Initiative:** \$730.9 million in FY17; funded at \$15 million in FY16 (includes NPS Centennial Act authorizations - \$500 million)
- **Bureau of Land Management - Management of Lands and Resources:** \$1.075 billion in FY17; funded at \$1.072 in FY16
- **Bureau of Reclamation – Water & Related Resources:** \$813.4 million in FY17; funded at \$1.18 billion in FY16
- **Bureau of Indian Affairs – Construction:** \$196 million in FY17; funded at \$194 in FY16
- **Fish and Wildlife Service – Construction:** \$23.7 million in FY17; funded at \$23.6 million in FY16
- **US Forest Service – National Forest System:** \$1.5 billion in FY17; funded at \$1.5 billion in FY16
- **US Forest Service – Capital Improvement and Maintenance:** \$343 million in FY17; funded at \$364 million in FY16
- **US Forest Service – Wildland Fire Management:** \$2.45 billion in FY17; funded at \$2.38 billion in FY16

All these programs help Corps leverage federal dollars to engage thousands of youth and veterans improving and restoring our nation's lands, water, and recreation assets. The construction and operation accounts are important as they are the main source of project funding, and help the agencies address their backlog maintenance issues. The Centennial Initiative is an innovative approach to addressing the myriad of issues in the national parks and this year's proposal from DOI is targeted toward addressing the deferred maintenance backlog on the NPS' highest priority non-transportation assets.

To build on that work, we also support DOI's Engaging the Next Generation proposal which is intended to promote public-private partnerships to maximize opportunities for youth through visitor and educational programs, partnerships, volunteerism, and our innovative 21<sup>st</sup> Century Conservation Service Corps Initiative. For example, DOI states that "Collaborative efforts across all levels of government and mobilization of the 21st Century Conservation Service Corps resulted in several high impact initiatives... These initiatives enabled significant progress towards Interior's goal to provide 100,000 work and training opportunities to young people and veterans by the end of 2017."

The USFS is a major supporter of our 21<sup>st</sup> Century Conservation Service Corps Initiative as well, explaining in their budget and strategic priorities that "Our 21st Century Service Corp (21CSC) partnership provides an enormous return on investment, allowing the Forest Service to address critical conservation restoration needs and simultaneously have a deep and lasting impact on the people who participate, thereby building the next generation of natural resource professionals."



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These accounts through USFS enable our Corps to help the USFS address important projects. USFS states in their budget that “The 21st Century Conservation Service Corps will continue to provide enhanced and expanded opportunities to work with partners to address trails maintenance needs and provide improved citizen access to all [USFS] trails, including congressionally designated trails.”

Corps also partner with USFS on critical wildfire remediation and fighting and see firsthand the damage that is done to the system, and communities, by an outdated budget structure for wildfire needs. We support changes to the budgeting process as included in the President’s Budget and in the Wildfire Disaster Funding Act - a bipartisan proposal that would fund wildfire suppression in a similar manner to how the government currently funds the response to other natural disasters. As the USFS notes in its budget justification, “The cost of fire management has grown from 16 percent of the agency’s budget in 1995 to - for the first time in the agency’s 110-year history - to over 50 percent of the budget in 2015. It is subsuming the agency’s budget and jeopardizing our ability to successfully implement our full mission.”

As you can see, our Corps work with DOI and USFS in numerous capacities to help them better manage our natural resources while providing high quality service and work experience outdoors to engage thousands of youths and veterans. We understand the fiscal constraints placed upon the committee which is why ensuring more partnerships and opportunities for our cost-effective public private partnerships is more important than ever. We again respectfully urge your support for these programs. Thank you for your time and consideration.

Sincerely,



Mary Ellen Sprenkel  
President & CEO

**Council of Athabaskan Tribal Governments**

P.O. Box 33  
Fort Yukon, AK 99740  
Phone: 907-662-2587

Rhonda Pitka, Chairwoman

Testimony on the FY 2017 Indian Health Service Budget  
and Interior Non-BIA Self-Governance Agreements; Tribal Courts

Submitted to  
the House and the Senate Subcommittees on Interior, Environment and Related Agencies

March 18, 2016

The Council of Athabaskan Tribal Governments (CATG) is a consortium of ten tribal governments located along the Yukon River and its tributaries in northeastern Alaska. We provide a variety of services to our tribal members, including full healthcare services at the Yukon Flats Health Center and village-based clinics in four of our villages. We also have Self-Governance agreements with the Fish and Wildlife Service and with the Bureau of Land Management.

We request that you implement the following measures in the FY 2017 Appropriations cycle:

- Non-BIA Interior Self-Governance Agreements
- Make full Contract Support Costs funding for the IHS and BIA mandatory, and ensure there are no provisos on indefinite CSC funding that conflict with the carryover funding authority provided by the Indian Self-Determination Act.
- Support the proposed increases in mental health, suicide prevention and substance abuse spending in the IHS and BIA budgets.
- Provide funding for built-in costs.
- Permanently Authorize the Special Diabetes Program for Indians
- Provide advance appropriations for the IHS
- Maintain funding for tribal court development in PL 280 states.

***Non-BIA Interior Self-Governance Agreements***

CATG is one of the first Tribal consortiums in the country to develop non-BIA DOI Self-Governance Annual Funding Agreements. However, the AFA's are not fully funded for Contract Support Costs that would otherwise cost the agencies if they were to manage the same programs, functions, services, and activities in our scopes of work.

We are also concerned that DOI scopes of work are being limited and the intent of Self-Governance is not being carried out. During 2016 negotiations, for the Yukon Flats National

Wildlife Refuge AFA, a summer intern position was inserted into our Scope of Work by the refuge because the agency had not been able to recruit a local intern in years past. However, the position was removed at the regional level. At first we were told that the agency wanted to test our chosen intern for the first year and make sure they were trained by the agency. We agreed that, while employed with CATG, we fully expected that the agency would provide the training and our employee would be integrated into their team of researchers. We were then told that the agency preferred to hire and train interns for their eventual hire by the agency, not CATG. This is counter to the intent and practice of Self-Governance, which is to build tribal capacity to take on increasing levels of responsibility.

***Mandatory Funding for Contract Support Costs***

We are pleased that the FY 2016 funding for contract support costs (CSC) was for an indefinite amount, which greatly helped to ensure that CSC would be fully funded without having to reprogram funding for critical health care services and other programmatic funding to cover the CSC need.

For FY 2017, we support the President's request for an appropriation of "such sums as may be necessary," with an estimated \$800 million for CSC for the IHS in a separate account in the IHS's discretionary budget. However, we disagree with the proviso that was included in the FY 2016 appropriations language, which stated as follows: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years." This proviso is concerning to us because it could be misread to effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. We thus ask that the proviso be removed for FY 2017 and in future appropriations for CSC.

We also support the Administration's proposal to fully fund CSC on a mandatory basis and we ask for your help in working with the Budget Committee and any others on this proposal for mandatory CSC funding as soon as possible.

***Increase Funding for Behavioral Health, Suicide Prevention, and Alcohol & Substance Abuse Treatment.***

CATG's communities in rural Alaska have a very high rate of suicide and suicide attempts, and a similarly high rate of alcohol and substance abuse that contributes to myriad other problems, including crime, domestic violence, child abuse or neglect. Oftentimes, tribes in Alaska have a difficult time working through the State of Alaska to provide these services, which adds layers of guidelines, regulations, and reduced funding. We strongly believe that tribes and tribal organizations should receive behavioral funds directly, because programs that implement traditional cultural values are more successful than those that do not.

The Administration's request includes \$25 million in IHS program increases for mental health. Of that amount, \$21.4 million would be for a behavioral health integration initiative, for which tribes and tribal organizations would be eligible to seek funding for the expansion of their

behavioral health services to areas outside of the traditional health care system; training; hiring behavioral health staff; and community-based programs. Another \$3.6 million in the proposal would be for funding pilot projects to implement the “Zero Suicide Initiative.” We request your support for funding the \$25 million program increase for these critical programs.

We also ask for your support in expanding the *Generations Indigenous (Gen-I)* initiative, which provides increased resources for tribes to address youth behavioral, mental health and substance abuse issues. We appreciate the \$10 million appropriated in the IHS budget for *Gen-I* in FY 2016, which was critical to hiring staff to provide more services and prevention programs for Native youth. For the IHS in FY 2017, the Administration is requesting a \$16.8 million increase focused on youth: \$15 million to expand *Gen-I* for additional staffing and \$1.8 million for a pilot program that would provide a continuum of care for youth after discharge from a Youth Regional Treatment Center. For the BIA the proposal includes an increase of \$21 million to expand the *Tiwahe Initiative* designed to address the inter-related problems of poverty, violence and substance abuse faced by Native communities, including \$12.3 million for social services programs designed to provide culturally appropriate care. We ask for your support for this funding.

#### ***Funding for Built-in Costs.***

We appreciate the Administration's FY 2017 request of \$159 million for built-in costs consisting of \$75.4 million for medical inflation at a 5.8% rate; \$26 million for pay costs; and \$43.2 million to partially fund population growth. Built-in costs are often sacrificed in the budget negotiation process, but lack of them impacts all programs. Inflation—both medical and non-medical, pay raises that must be afforded to employees, and population growth are real facts of life that impact our ability to provide sufficient health care services. We urge Congress to fund this request.

#### ***SDPI/Advance Appropriations.***

We again join with Alaska Native tribes and others throughout Indian Country in support of a permanent reauthorization of the Special Diabetes Program for Indians and for placing IHS appropriations on an advance funding basis. We understand that this will involve Congressional committees in addition to Appropriations and urge your support in working for these goals.

#### ***Funding for Village Built Clinics in Alaska***

For the last several years, Alaska organizations have submitted testimony to this Committee on the need to address chronic underfunding of Village Built Clinics (VBCs) in Alaska. VBCs, which are clinic facilities leased by the IHS from other entities, are a vital component of the provision of basic health care services in rural Alaska, as they serve as the clinic space for the Community Health Aide Program (CHAP) under the Indian Health Care Improvement Act. The CHAP, which IHS is directed by the IHCIA to carry out, uses a network of community health aides and practitioners to provide primary health care services in rural and isolated areas where access to those services might not otherwise exist.

In 1989, Congress specifically authorized the operation of 170 VBCs in Alaska and provided approximately \$3 million in funding for the program for that year. Since then, Congress has not provided amounts specifically for VBCs in the IHS appropriation and IHS has consistently under-funded these leases. The VBCs are IHS facilities acquired by lease in lieu of construction and should thus be eligible for maintenance and improvement funding, but the IHS does not see it that way. The IHS can also access other IHS discretionary funds to fully fund its VBC obligations. For example, the Indian Health Facilities appropriation is a lump-sum appropriation that can be used for construction, repair, maintenance, improvements and equipment, and includes a sub-activity for maintenance and improvement of IHS facilities. IHS nevertheless continues to assert that it provides for VBC leases all of the funds that Congress has appropriated for the program. The chronic underfunding over decades has resulted in deterioration and in some cases closure of VBC facilities, threatening the CHAP itself and access to basic health care services for rural Alaskans that hinges on the continued availability of properly maintained VBC space.

Recently, a coalition made up of the regional tribal health organizations in Alaska, the Alaska Native Health Board and the Alaska Native Tribal Health Consortium, updated a VBC needs assessment in 2015, and called "Village Built Clinics in Crisis 2015." The report estimates that \$12.5 million more per year, in addition to the current VBC allocation from IHS of about \$4.5 million, would be needed to maintain and operate Alaska VBCs on a par with similar tribal health facilities elsewhere. This would require a total of \$17 million in order to adequately fund the operation and maintenance of the 170 VBCs in Alaska. In addition, the report calls for approximately \$14 million annually "to fully fund the replacement reserve and to remove the village clinics from the crisis state they are currently experiencing." CATG therefore urges that Congress appropriate *at least* an additional \$12.5 million to fully fund VBC leases and that IHS be directed to use it to fully fund such leases. We request that you direct the IHS to (1) identify the amount needed to fully fund all Alaska VBCs, (2) ask for that amount in a separate line in the IHS budget, and (3) allocate that amount to the VBC lease program.

***Maintain Funding for Tribal Courts in PL 280 states.***

In the FY 2016 Appropriations Act \$10 million was added for the BIA Office of Tribal Justice Support to work with tribes and tribal organizations to, in the words of the Senate Appropriations Committee report, "assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities including those communities subject to full or partial State jurisdiction under Public Law 83-280." The Administration's FY 2017 request would reduce that amount by \$8 million. Given the need in Alaska, the tribal jurisdiction provisions of the Tribal Law and Order Act and the Violence Against Women Act, we ask that this funding be maintained at its FY 2016 level.

###

Thank you for your consideration of our concerns and requests. We are happy to respond to questions or provide any additional information you may request.



Written Statement of  
**Amy Fitterer, executive director, Dance/USA**

**Subcommittee on Interior, Environment, and Related Agencies**  
 Committee on Appropriations United States House of Representatives  
**FY2017 Funding for the National Endowment for the Arts (NEA)**  
**March 23, 2016**

Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of Dance/USA, its Board of Directors and its 500 members. **We strongly urge the Subcommittee on Interior, Environment, and Related Agencies in the Committee on Appropriations to designate a total of \$155 million to the National Endowment for the Arts (NEA) for FY 2017.** This testimony and the funding examples described below are intended to highlight the importance of federal investment in the arts, so critical to sustaining a vibrant cultural community throughout the country.

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, funding for the arts was mostly limited mostly larger cities. The NEA has helped to strengthen regional dance, opera, theater and other artistic disciplines that Americans enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. The NEA envisions a “nation in which every American benefits from arts engagement, and every community recognizes and celebrates its aspirations and achievements through the arts.” The agency has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

**The NEA is a great investment in the economic growth of every community**

Despite diminished resources, including a budget that is \$20 million less than it was in 2010, the NEA awarded 2,139 grants in 2015, totaling \$103.47 million in appropriated funds. These grants nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country. NEA grants also preserve and enhance our nation’s diverse cultural heritage. The modest public investment in the nation’s cultural life results in both new and classic works of art, **reaching the residents of all 50 states and in every congressional district.**

The return of the federal government’s small investment in the arts is striking. In 2013, the American creative sector was measured by the federal Bureau of Economic Analysis (BEA). The BEA and the NEA developed an “Arts and Cultural Production Satellite Account” which calculated the **arts and culture sector’s contributions to the gross domestic product (GDP) at 4.2 percent (or \$704.2 billion) of current-dollar GDP in 2013.** Additionally, the nonprofit

performing arts industry generates \$135.2 billion annually in economic activity, supports more than 4.13 million full-time equivalent jobs in the arts, and returns \$9.59 billion in federal taxes (*Arts and Economic Prosperity IV*, Americans for the Arts).

On average **each NEA grant leverages almost \$10 from other state, local, and private sources**. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of cutbacks in the recent years, the NEA continues to be a beacon for arts organizations across the country.

The return on investments is not only found in dollars. In **2012, 2.2 million people volunteered 210 million hours with arts and cultural organizations, totaling an estimated value of \$5.2 billion** – a demonstration that citizens value the arts in their communities.

### **NEA Grants at Work**

Past NEA funding has directly supported projects in which arts organizations, artists, schools and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all states, including isolated rural areas and inner cities.

NEA grants are awarded to dance organizations through its core programs: Art Works; Challenge America Fast Track Grants; and Federal/State Partnerships. **In fiscal year 2015, the NEA awarded 163 grants to the dance field through the Art Works category, totaling \$4,235,000.**

#### **St. Catherine University (a.k.a. St. Kate's)**

**\$20,000**

**St. Paul, MN**

To support the Women of Substance choreographer-in-residence program. Choreographers Camille A. Brown and Maureen Fleming offered public and school performances, workshops, master classes, lectures, and an art exhibit. Brown presented her works, "Black Girl," which explored themes of black identity young women face in contemporary society, and "Mr. Tol-E-Rance," which traces the history of black stereotypes in America. Fleming presented her work, "B. Madonna," inspired by the myth of Persephone.

#### **Cincinnati Ballet**

**\$20,000**

**Cincinnati, OH**

To support the re-staging of *Mozart's Requiem* by choreographer Adam Houglund. Commissioned by Cincinnati Ballet in 2010, the ballet is set to *Mozart's Requiem Mass in D Minor*. Artist interviews, videos, and photos were posted to Cincinnati Ballet's website and social media forums offered audiences additional context about the work. There was an open studio rehearsal followed by a meet-and-greet with Artistic Director Victoria Morgan and choreographer Adam Houglund. There was also a Meet the Artists event on opening night

which provided a question-and-answer forum for audiences to talk with the dancers an artistic team about the production process.

**The Dancing Wheels**

**\$15,000**

**Cleveland, OH**

To support the creation and presentation of a full-length concert and national tour. The project will celebrate Dancing Wheel's 35<sup>th</sup> anniversary season, as well as the 25<sup>th</sup> anniversary of the signing of the Americans with Disabilities Act (ADA). The company will partner with Ohio Dance and VSA Ohio to commission as many as five choreographers to create new works. Two of the works will be choreographed by Catherine Lambert and Mark Tomasic. The other three choreographers will be selected by an adjudication process. The company plans to tour the new works to multiple locations throughout the U.S. as part of each state's ADA celebrations.

**Ballet West**

**\$25,000**

**Salt Lake City, UT**

To support the development and presentation of a new ballet by choreographer Helen Pickett. The work, titled "Games," is a re-imagining of choreographer Vaslav Nijinsky's "Jeux," set to the last orchestra work of the same name by Claude Debussy. Set in a modern-day office cubicle, the ballet will feature the timeless story of attraction and/or love. In Nijinsky's original version, a ball rolls onto the tennis court, surrounded by greenery. In "Games," a rolling ball becomes a rotating office cubicle space. Pickett uses the idea to give the audience the sense of the confines of our thought and people trap themselves within their abilities and inabilities of creating relationships. Ballet West will premier "Games" through a collaborative performance with the Utah Symphony as part of the symphony's 75<sup>th</sup> anniversary celebration. This will be the first time in history that Ballet West will share the stage of Abravanel Hall, the symphony's home, alongside Utah Symphony members.

**Velocity**

**\$20,000**

**Seattle, WA**

To support the Maximum Velocity summer dance festivals. Comprising Strictly Seattle and the Seattle Festival of Dance Improvisation, this month-long immersion in contemporary dance education, creation, performance, inquiry, and international exchange engaged participants of diverse ages and abilities. The festivals brought together teachers, choreographers, performers, and participants from the region and around the globe for classes, rehearsals, jams, lectures, community conversations, film screenings, and performances.

**The Non-Profit Professional Dance Community**

America's dance companies perform a wide range of styles and genres. These include aerial, ballet, modern, culturally specific, jazz, and tap companies. Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living

memory. And yet, America can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles – tap and modern dance.

One key to this spectacular achievement has been the creation of a national marketplace for dance. When the National Endowment for the Arts instituted its Dance Touring Program in the 1970s, great dance became accessible to every community in America. What used to be a handful of professional companies and a scattering of “regional” dance has become a national treasure spread across cities and through communities, schools and theaters in all 50 states. Based on data from over 400 nonprofit dance companies from across the United States, Dance/USA estimates that dance companies:

- Employed over 15,100 individuals in a mix of full-time and part-time positions and supported by more than 19,900 volunteers;
- Paid approximately \$346.2 million, or 52% of expenses, in wages and benefits;
- Earned \$230.7 million, or 36% of their income, from performances;
- Received \$311.8 million, or 44.8% of their income in contributions (including public support, corporate sponsorship and contributions, foundation support, and individual donations);
- Generated more than \$600 million in economic activity across the United States.

Dance/USA, the national service organization for the professional dance field, believes that dance is essential to a healthy society, demonstrating the infinite possibilities for human expression and potential, and facilitating communication within and across cultures. Dance/USA sustains and advances professional dance by addressing the needs, concerns, and interests of artists, administrators, and organizations. Dance/USA's membership currently consists of nearly 500 aerial, ballet, modern, culturally specific, jazz, and tap companies, dance service and presenting organizations, individuals, and related organizations. **Dance/USA's member companies range in size from operating budgets of under \$100,000 to over \$50 million.**

#### **Conclusion**

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties, leaving its programs seriously underfunded. **We urge you to continue toward restoration and increase the NEA funding allocation to \$155 million for FY17.**

On behalf of Dance/USA, thank you for considering this request.

**Dance/USA  
1029 Vermont Ave, NW Suite 400  
Washington, D.C. 20036  
202.833.1717**

**TESTIMONY OF MARY BETH BEETHAM**  
**DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE**  
**HOUSE COMMITTEE ON APPROPRIATIONS**  
**SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to submit testimony for the record. Founded in 1947, Defenders has more than 1.2 million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

North America is fortunate to have some of the most abundant and diverse wildlife on Earth, more than 200,000 known species in the U.S. alone. This unique and irreplaceable heritage is treasured by all Americans both for its aesthetic value as well as for the very tangible benefits it provides as a resource. For example, a third of our food is pollinated by birds, bats, and insects; wildlife-associated recreation generated \$145 billion in economic benefits in 2011;<sup>1</sup> bats provide at least \$3.7 billion in pest control services to the agricultural industry annually;<sup>2</sup> and the value of ecosystem services from habitat in the contiguous 48 states is estimated at \$1.6 trillion annually.<sup>3</sup> Budget cuts since FY 2010 to Federal programs that conserve wildlife and habitat have severely undermined sound management. Inadequate funding will likely lead to irreparable harm to vulnerable species and habitat. Our nation's wildlife is a treasure and well worth the investment to properly care for it.

Thirteen riders that would have undermined protections for imperiled species and the Endangered Species Act (ESA) were either included in, or awaiting a floor vote on, the FY 2016 House Interior appropriations bill. Defenders strongly opposed these riders and while all should rightfully have been removed from the final omnibus, we appreciate that all but one were stricken.

#### **Fish and Wildlife Service**

The U.S. Fish and Wildlife Service (FWS) is our nation's premier wildlife conservation agency. FWS needs adequate funding if it is to recover threatened and endangered species and protect migratory birds and fish, species of global conservation concern and other trust species, and stop or prevent wildlife crimes.

Cooperative Recovery – Defenders supports the requested increases of \$1.5 million in Recovery under Ecological Services, \$1 million in National Wildlife Refuge System Operations and Maintenance, and \$300,000 under Migratory Bird Management. This initiative is supporting more efficient and strategic efforts across landscapes to recover threatened and endangered species on National Wildlife Refuges and surrounding lands and has already supported delisting of two species.

Renewable Energy – Defenders supports the President's request of \$11.1 million to fund renewable energy related Planning and Consultation and Service Science programs. The Service supports approvals of renewable energy projects while ensuring they comply with relevant environmental laws, and conducts research to assess potential impacts of energy development on sensitive lands and wildlife in the West and to identify mitigation strategies.

Ecological Services – Defenders supports the requested increase of \$18.3 million for Ecological Services. The requested increase is critically needed for high priority efforts:

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- **Listing:** The FWS has made substantial progress in listing decisions in recent years and the requested \$2.3 million increase will help to continue that progress for the 60 current candidate species and to meet its other listing responsibilities.
- **Recovery:** Defenders strongly supported and appreciates the Subcommittee's decision to maintain recovery for threatened and endangered species as a separate program element in responding to the FWS request to restructure the Ecological Services budget. Recovery is the goal of the ESA and transparency in tracking amounts directed to this crucial end is of the highest priority. In general, the average inflation-adjusted dollars per species for recovery has decreased every year since FY 2010; moreover, according to the most recent FWS Recovery Report to Congress, hundreds of listed species have no recovery plans or extremely outdated ones. We therefore strongly support, at the very least, the requested \$7.2 million increase for Recovery.
- **Planning and Consultation:** The \$6.6 million increase will support crucial Section 7 consultations under the ESA so that projects can move forward while minimizing harm to listed species. Adequate resources to increase the scientific and technical capacity of FWS to conduct consultations on pesticide registrations is particularly important.
- **Conservation and Restoration:** The \$2.2 million increase will support continued conservation for candidate species as they await listing and also includes an increase to support additional staff to provide technical assistance and other support to landowners in implementing the unprecedented sagebrush steppe conservation plans.
- Defenders opposes the elimination of funding for the Wolf Livestock Loss Demonstration Program that assists livestock owners co-existing with wolves, and we urge its restoration.

National Wildlife Refuge System (NWRS) – Our National Wildlife Refuge System is the largest land and water system in the world dedicated to wildlife conservation. Refuges provide enormous benefits to the American people, generating \$2.4 billion each year for local economies. Defenders supports the \$25.2 million increase in the request, which includes funding for inventory and monitoring, rebuilding lost capacity to manage wildlife and habitat, and pollinator restoration. We also support legislative language proposed by the administration that would provide authority to recover compensation from responsible parties who injure or destroy Refuge System or Hatchery System resources similar to that provided to the National Park Service and the National Oceanic and Atmospheric Administration and allows compensation to be applied directly to the cost of restoration without further appropriation by Congress.

Science Support – The requested \$3.6 million increase will help to answer pressing questions about climate adaptation and other landscape level ecological changes as well as about conservation of monarch butterflies and other declining species, White-Nose Syndrome that is devastating bat populations, and other agency management challenges.

Migratory Bird Management – U.S. bird populations have experienced precipitous declines in recent years. Defenders supports the \$2.5 million requested increase which includes funding for needed upgrades in aviation management and survey and monitoring programs, and for building resilience of bird species and their habitats through the Joint Venture partnerships.

Office of Law Enforcement – The request is essentially flat despite the fact that only one in five current ports of entry are staffed with wildlife inspectors. Funding for inspectors is covered by user fees which have not been increased since 2008. Defenders is recommending the inclusion of report

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language directing the FWS to complete an analysis of possible additional sources of funding required to increase the capacity of the port inspection program.

International Affairs – Defenders supports the requested \$1.1 million increase which includes funding to advance the President’s National Strategy for Combating Wildlife Trafficking.

Other key grant programs – Defenders supports the requested funding amounts for the Multinational Species Conservation Fund, the Neotropical Migratory Bird Fund, the Cooperative Endangered Species Fund and State and Tribal Wildlife Grants.

### **Forest Service and Bureau of Land Management**

The U.S. Forest Service (FS) and the Bureau of Land Management (BLM) are essential to the conservation of wildlife and habitat in the U.S., yet funding is inadequate to address significant challenges to sustain these resources. A top priority for Defenders is ensuring that uses proceed in a sustainable way that maintains the ecological integrity of our public lands and waters, conserves wildlife habitat and populations, and contributes to agency efforts to successfully recover our most imperiled wildlife. We urge strong oversight to ensure that any energy development is done in an environmentally sensitive fashion and in low conflict areas. Given their large land ownerships, it is imperative that both agencies participate fully in landscape level conservation and management efforts. We are encouraged by BLM’s innovative efforts in the Western Solar Program and consider it an example of how land management agencies can improve landscape level decision-making for energy development.

FS Wildlife and Fisheries Habitat Management/Integrated Resource Restoration (IRR) – Defenders supports the decision to abandon the request for an IRR line item given our concern that wildlife program activities could be marginalized under IRR and that hard timber targets could detract from integrated restoration. The request for Wildlife and Fisheries Habitat Management is flat-funded, a 9.6 percent reduction in real dollars from FY 2010. We support funding the program at least at the FY 2010 level of \$143 million to begin to address the loss of biologists at the forest level that has occurred in recent years.

FS Land Management Planning/Inventory and Monitoring – The request again proposes merging these two programs into a single line item. Defenders is concerned about consolidating these functions unless and until the agency can demonstrate its ability to meet its responsibilities under each program independently. We urge continued funding as separate programs at no less than the FY 2016 level.

FS Collaborative Forest Landscape Restoration Program – We support the request for continued funding at the current level for this cost-effective program established to stabilize employment, offer a reliable wood supply, restore forest and watershed health, improve wildlife habitat, and reduce both the costs of fire suppression in overgrown forests and the risk of uncharacteristic wildfires.

FS Forest and Rangeland Research (FS R&D) – We urge a \$4 million increase for FS R&D, a return to the FY 2015 level which included \$27.1 million for Wildlife and Fish R&D. Adequate funding for this program is crucial in providing relevant tools and information to support sustainable management of National Forest System lands as well as non-federal forest lands. Generally, we are concerned that the Forest Service may lack adequate applied scientific capacity both in R&D and the

## Testimony of Defenders of Wildlife

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National Forest System to implement critical planning and management actions, including the 2012 Planning Rule.

**BLM Wildlife and Fisheries Management** – Defenders supports the \$19.4 million increase requested to support implementation of the sixty-eight resource management plans that were amended to address conservation of the sage-grouse. FWS determined not to list the grouse under the ESA largely due to this effort and associated measures. Success in conserving sage-grouse will depend upon adequate funding for implementing the plans.

**BLM Threatened and Endangered Species Management** – According to agency reports, the BLM has funding to implement only about 10 percent of the work it is required to do in recovery plans for ESA listed species on BLM lands, but the administration's request includes just a \$131,000 increase for FY 2016. Defenders supports an increase of \$1 million over the request which simply restores the budget to the FY 2010 level and will better help move listed species to recovery.

**BLM Renewable Energy** – Full funding of the \$29.2 million request, essentially flat with FY2016, will help BLM continue to proceed with renewable energy development on public lands while avoiding areas with natural resource conflicts, including conflicts with sensitive wildlife species.

**BLM Resource Management Planning, Assessment and Monitoring** – The \$17.1 million increase in the request will support new high priority planning efforts, data collection and monitoring crucial to the sage-grouse conservation strategy and other key initiatives, and continued development of a new geospatial initiative to better monitor ecological conditions and trends on the landscape.

### **U.S. Geological Survey**

The U.S. Geological Survey provides the basic science necessary for conservation of fish, wildlife and habitat. We urge support for the following increases:

**National Climate Change and Wildlife Science Center/Climate Science Centers** – A \$4.5 million increase in the request will support scientific needs in planning for climate change adaptation and building resiliency of ecosystems.

**Ecosystems** – A \$13.7 million increase in the request will help to support development of crucial scientific information for sound management of our nation's biological resources including research into declines of native pollinators, threats to sensitive landscapes, such as the Arctic and sagebrush steppe, and impacts of drought and climate change across the country.

### **Land and Water Conservation Fund (LWCF)**

Defenders supports the proposal in the request for full and permanent funding of LWCF that will help to save some of the 6,000 acres of open space, including wildlife habitat, that are lost each day in the U.S.<sup>4</sup> Thank you for the opportunity to submit testimony.

<sup>1</sup> The 2011 National Survey of Fishing, Hunting, and Wildlife Associated Recreation, USFWS, 12/12

<sup>2</sup> <http://www.sciencemag.org/content/332/6025/41.summary?sid=853248fd-6760-4341-93d0-2aeeab9ea450>

<sup>3</sup> The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States, Southwick Associates, 9/29/11

<sup>4</sup> [http://www.fs.fed.us/openspace/coop\\_across\\_boundaries.html](http://www.fs.fed.us/openspace/coop_across_boundaries.html)



**Edison Electric  
INSTITUTE**

*Power by Association*

**Written Statement  
Submitted by Thomas R. Kuhn  
President, Edison Electric Institute  
Regarding Fiscal Year 2017 Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations  
March 23, 2016**

The Edison Electric Institute (EEI) respectfully submits this written testimony for the record to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies. We appreciate this opportunity to share our views on three important rule makings that are underway at the Environmental Protection Agency (EPA). We also would like to briefly review three activities at the Department of Interior (DOI), which pose challenges for our industry and warrant continued attention by the Subcommittee.

**Waters of the United States**

Last August, EPA issued a final rule to revise the definition of "Waters of the United States" (WOTUS) under the Clean Water Act. In October, a federal appeals court stayed implementation of the rule nationwide. Many believe that the case will find its way to the Supreme Court and, if so, will delay any final resolution on the merits until sometime in 2017.

The final rule violates recent Supreme Court decisions limiting federal jurisdiction, and would fail to achieve the agency's stated goal of providing greater continuity, predictability, and clarity. Although EPA's final rule is marginally improved in certain areas that are important to electric power companies, it still objectionably broadens the scope of waters subject to federal jurisdiction. Implementation of the final rule will affect electric power companies and their customers, and is inconsistent with the Administration's stated goals of promoting power grid resiliency and streamlining the permitting of energy infrastructure, including renewable energy facilities.

While legal challenges by state and industry petitioners are pending, EEI supports congressional efforts to obtain withdrawal, delay or modification of the final rule.

**Coal Combustion Residual (CCR) Regulation**

In April 2015, EPA promulgated its final rule to regulate the disposal of CCRs, or coal ash, from electric power companies. The rule, which became effective in October 2015, properly regulates CCRs as non-hazardous waste under Subtitle D of the Resource Conservation and Recovery Act (RCRA).

Despite EPA's non-hazardous waste determination, serious flaws in the final rule remain, including its self-implementing nature, the legal authority of EPA to regulate inactive coal ash impoundments, and the way in which EPA has left the door open to one day regulate coal ash as a hazardous waste, creating additional uncertainty for electric power companies.

Because the CCR rule is self-implementing, affected facilities must comply with the new regulations regardless of whether a state adopts the rule. Even if a state adopts the rule and incorporates its criteria into the state's solid waste management program, the federal rule remains in place as an independent set of federal criteria. The rule neither requires regulated facilities to obtain permits nor requires states to adopt and implement the new rules, and cannot be enforced by EPA. The rule's enforcement mechanism is for a state or citizen group to bring a RCRA citizen suit in federal district court against any facility that is alleged to be in non-compliance with the new requirements.

EEL is currently working closely with the states, our member companies and other stakeholders to achieve cost-effective implementation of the rule. However, we also continue to advocate for legislation that would ensure implementation of the rule in an effective and practical manner.

On July 22, 2015, the House passed H.R. 1734, the "Improving Coal Combustion Residuals Regulation Act." The bill essentially would codify the CCR rule, establish national standards for CCR under RCRA Subtitle D, and allow states to create and enforce their own CCR permit programs. Bipartisan companion legislation, S. 2446, has been introduced in the Senate.

EEL, the American Public Power Association and the National Rural Electric Cooperative Association are on record in strong support of this legislation, as it would eliminate the practical and enforcement challenges associated with the self-implementing nature of the final CCR rule. In the absence of congressional action, EEL continues to support member company compliance with non-hazardous waste regulations for CCRs, and will advocate for CCR mine placement regulations that allow for the continued beneficial use of coal ash in mine reclamation activities.

#### **Steam Effluent Electric Guidelines**

In September 2015, EPA finalized its Steam Electric Effluent Guidelines Rule. The final rule, which became effective in January 2016, sets strict technology-based effluent limitations that will force major technological and operational changes and upgrades, particularly at existing coal-based facilities.

The rule has the potential to impact long-term investment decisions companies are making relative to compliance with other EPA regulations, including the final CCR regulation, and may cause marginal units to become unprofitable. EPA estimates the total annual pre-tax industry cost of the rule is \$496 million, but this likely is a significant underestimate of the rule's costs.

In short, the final rule presents significant operational and compliance challenges. EPA included important new requirements related to stringent fly ash transport water, bottom ash transport water, flue gas mercury control wastewaters and treatment for flue gas desulfurization wastewater. These requirements are likely to significantly complicate implementation of the rule.

EEI is working to assist member companies in permit proceedings to achieve cost-effective and flexible implementation of the final guidelines. Still, implementation of the rule – particularly concerns over compliance dates and the misalignment of compliance dates with other environmental regulations (*i.e.*, provisions in the CCR rule) – remains an area that may warrant Subcommittee attention.

### **Endangered Species Act (ESA)**

As the number of new species listings increase and the accompanying critical habitat designations expand, so, too, does the creative use of the ESA by federal agencies to increase burdens on electric power sector operations. These impacts include electric power companies' ability to site, operate and maintain generation and transmission facilities.

Congress is expected to consider ESA reform legislation this year. As part of these reform proposals, EEI will continue to advocate for ESA implementation in a way that is less burdensome and more responsive to the siting and permitting of electricity generation and transmission facilities. As EEI works to address the growing number of ESA-related challenges facing the electric power sector, we will continue to advocate for improved implementation of the ESA through direct collaboration with your Subcommittee.

### **Avian Protection and Sage-Grouse Habitat Preservation**

In addition to ESA, EEI is concerned with avian issues related to the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Federal agency implementation of these Acts in certain cases is inconsistent across regions, both within individual agencies and among various federal land management agencies.

Under the MBTA, DOI's Fish and Wildlife Service (FWS) has proposed establishing programmatic incidental take permits. If properly implemented, such a permit could provide electric power companies with decreased risk from prosecution if companies develop and follow an avian protection plan. However, in September 2015, a decision by a federal circuit court ruled that the MBTA does not prohibit incidental "take" of migratory birds. Rather than appeal the circuit court decision, FWS is working to develop a redefinition of what constitutes intentional and unintentional take under the MBTA. As a result, the agency's work on developing the MBTA incidental take permit has slowed, and it is not likely to be finalized before the end of the current Administration.

With regard to the BGEPA, FWS developed a permitting program in 2009. Unfortunately, only a handful of BGEPA permits have been issued for transmission and distribution facilities as well as wind energy projects. Industry has met with FWS and the Council on Environmental Quality to explain the difficulties electric power companies and wind energy face in applying for BGEPA permits. FWS is expected to issue a notice of proposed rulemaking later this year to update the BGEPA permitting system, on which we will develop comments and keep the Subcommittee updated.

As you are aware, FWS announced last year that the greater sage-grouse does not require protection under the ESA due to the collaborative and "unprecedented conservation planning effort" undertaken by numerous federal, state, local and private partners. Despite this determination, the land use plans developed by the Bureau of Land Management (BLM)

and the Forest Service to protect greater sage-grouse present significant barriers to the siting and operation of transmission and distribution lines in a cost-effective and reliable manner in the western states. Nevertheless, EEI and our member companies remain committed to avoiding and minimizing impacts of power line construction and maintenance to sage-grouse and their habitat.

#### **Vegetation Management on Federal Lands**

Electric power companies experience significant delays when trying to gain access to their rights-of-ways (ROWs) located on federal lands to perform vegetation management activities. Consequently, EEI advocates for legislation to remove impediments to vegetative management activities on federal lands and improve access to ROWs to ensure power line safety.

H.R. 2358, the "Electricity Reliability and Forest Protection Act," promotes agency consistency, accountability, and timeliness as it relates to permitting vegetation management activities for electricity transmission and distribution lines on federal lands. The legislation was incorporated into H.R. 8, the "North American Energy Security and Infrastructure Act of 2015," which passed the House in December 2015. EEI is committed to passing H.R. 2358 as part of H.R. 8 or as a stand-alone measure. EEI also supports Section 5013 of H.R. 8 to facilitate voluntary partnerships between electric power companies and the federal land agencies to address vegetation management needs on public lands neighboring a ROW that pose wildlife risks to electricity infrastructure.

In light of federal electricity reliability guidelines related to vegetative management and the need to reduce the threat of catastrophic forest fires, EEI is also working to ensure that the land management agencies—BLM, FWS, and the National Park Service—have consistent policies and timely decision-making when it comes to protecting power lines on federal lands. Recently EEI reached agreement with the federal land management agencies to update and renew a 2006 Memorandum of Understanding to facilitate cooperation and coordination among parties regarding vegetation management within, and immediately adjacent to, existing and future electricity transmission line ROWs and associated facilities. The formal signing of this agreement will take place in spring 2016.

#### **Conclusion**

Thank you, Mr. Chairman, for this opportunity to discuss these significant environmental policies. EEI truly values the partnership that we share with your Subcommittee, and we look forward to continuing our dialogue with you on these and other issues that have the potential to impact electricity generation, siting, permitting and construction efforts.



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Testimony of  
**May Berenbaum, PhD, President**  
**Entomological Society of America**  
On  
**Fiscal Year 2017 Appropriations for the U.S. Forest Service and the U.S. Environmental Protection Agency**  
Submitted to the  
**Appropriations Subcommittee on Interior, Environment, and Related Agencies**  
**United States House of Representatives**

March 22, 2016

The Entomological Society of America (ESA) respectfully submits this statement for the official record in support of funding for entomology-related activities at the U.S. Department of Agriculture Forest Service and the U.S. Environmental Protection Agency (EPA). **For fiscal year (FY) 2017, ESA requests the Forest Service be funded at least at the FY 2016 enacted level of \$5.68 billion in discretionary funds. Within the Forest Service, ESA requests the Forest and Rangeland Research budget be supported at the President's requested level of \$291.982 million to preserve critical research and development on invasive species. The Society also supports continued investment in Forest Health Management programs across the Forest Service in FY 2017. In addition, ESA recommends \$8.267 billion for EPA, including support for Pesticides Licensing Program Area activities within its Science & Technology and Environmental Program & Management budgets, and continued support for State & Tribal Assistance Grants for Pesticide Program Implementation. Finally, ESA strongly supports EPA's commitment to work with other federal agencies to monitor and improve pollinator health, including involvement by EPA to examine the potential impact of pesticides on pollinator health.**

Advances in forestry and environmental sciences, including the field of entomology, help to maintain U.S. forests and grasslands and safeguard their contributions to the nation's public health, economic prosperity, agricultural productivity and safety, social well-being and natural heritage. Through improved understanding of invasive insect pests and development of sustainable approaches to pest management, the science of entomology is critical to reducing or preventing disease epidemics and pest outbreaks that threaten the nation's communities and ecosystems. Entomological science is also fundamental to the design and implementation of Integrated Pest Management (IPM), which uses science-based, environmentally sustainable, and economically and sociologically compatible methods to take preventative action against pests. In addition, entomology is key to understanding the biology of pollinators and identifying factors affecting their health and viability, helping to protect pollination services for America's agricultural enterprise to provide a safe, reliable food, fiber, and fuel supply for a growing world population.

The U.S. Forest Service sustains the health, diversity, and productivity of 193 million acres of public lands in national forests and grasslands across 44 states and territories. Serving as the largest supporter of forestry research in the world, the agency employs approximately 35,000 scientists, administrators, and land managers. In addition to activities at the federal level, the Forest Service provides technical expertise and financial assistance to state and private forestry agency partners.

The Forest Service's Forest and Rangeland Research budget supports the development and delivery of scientific data and innovative technological tools to improve the health, use, and management of the nation's forests and rangelands. Within Forest and Rangeland Research, the Invasive Species Strategic Program Area provides scientifically based approaches to reduce and prevent the introduction, spread, and impact of non-native invasive species, including destructive insects, plants, and diseases that can have serious economic and environmental consequences for the nation. For example, Forest Service scientists are working to prevent the destruction of ash trees across North America by the emerald ash borer, an Asian beetle first detected in the U.S. in 2002. Since its accidental introduction, this invasive wood-boring insect has killed tens of millions of ash trees and threatens to eliminate all ash trees from North America. Estimated annual damage inflicted by the emerald ashborer exceeds \$1.5 billion, yet it is just one of the exponentially growing list of invasive insects and pathogens that harm the nation's ecosystems and the human communities that depend upon them.<sup>1</sup> Forest health is also affected by invasive weeds, the management of which often depends on deploying beneficial insect predators and parasites as biological control agents, resulting in permanent and often spectacular control. **ESA respectfully requests that Forest and Rangeland Research be fully funded at the President's requested level of \$292 million for FY 2017.**

Also under the purview of the Forest Service is the Forest Health Management program, which conducts mapping and surveys on public and private lands to monitor and assess risks from potentially harmful insects, diseases, and invasive plants. The program also provides assistance to state and local partners to help prevent and control outbreaks that threaten forest health. According to a 2011 study, invasive forest insects cost local governments alone an average of over \$2 billion per year; direct costs to homeowners from property loss, tree removal, and treatment averages \$1.5 billion per year.<sup>2</sup> Initiatives within the Forest Health Management program are designed to reduce these costs. The program's "Slow the Spread" activities, for example, have led to a 60 percent reduction in the rate of the spread of the invasive gypsy moth, resulting in an estimated benefit-to-cost ratio of 3:1. Without the program, this destructive insect would likely have infested an additional 50 million acres of oak hardwood forests.<sup>3</sup> **To support such vital functions, ESA requests that the subcommittee oppose proposed cuts to Forest Health Management program in FY 2017.**

EPA carries out its mission of protecting human health and the environment by developing and enforcing regulations, awarding grants for research and other projects, conducting studies on

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<sup>1</sup> Aukema, J.E.; Leung, B.; Kovacs, K.; [et al.]. 2011. Economic impacts of non-native forest insects in the continental United States. *PLoS ONE* 6(9): e24587.

<sup>2</sup> *Ibid.*

<sup>3</sup> Forest Service FY 2017 Budget Overview: <http://www.fs.fed.us/sites/default/files/FY-2017-FS%20-budget-overview.pdf>.

environmental issues, facilitating partnerships, and providing information through public outreach. Through these efforts, EPA works to ensure that the nation has clean water, clean air, a safe and secure food supply, and protection from exposure to pollution and toxic chemicals.

EPA's Pesticides Licensing Program Area, supported by EPA's Science & Technology and Environmental Program & Management budgets, serves to evaluate and regulate new pesticides to ensure safe and proper usage by consumers. Through the mandate of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA utilizes scientific expertise and data, including knowledge gained from entomological science, to set maximum tolerated residue levels and to register pesticide products as effective and safe. By controlling insects that act as vectors of diseases of humans and domesticated animals and invasive insect species that threaten virtually every kind of natural or managed biological community and the human activities that depend on those communities, pesticides registered by EPA help protect public health and the nation's food supply. EPA's activities in this area also include the development of educational information and outreach to encourage the use of IPM and other reduced-risk methods of controlling pests. For example, EPA continues to support programs aimed at protecting children from pesticide exposure used in and around schools, helping to promote cost-effective strategies that reduce student exposure to pesticides and pests. IPM strategies used in schools reduce student exposure to pesticides as well as allergens from pests themselves. **Therefore, ESA supports continuing the modest funding that EPA has invested in school IPM.**

Among EPA's State & Tribal Assistance Grants, categorical grants in the area of Pesticides Program Implementation help to facilitate the translation of national pesticide regulatory information into real-world approaches that work for local communities. For example, these grants fund efforts to reduce health and environmental risks associated with pesticide use by promoting, facilitating, and evaluating IPM techniques and other potentially safer alternatives to conventional pest control methods. **ESA requests that the subcommittee support the proposed modest increase for Pesticides Program Implementation grants.**

**ESA is in favor of increased funding for scientifically based studies of pollinator populations and health.** Pollinators play a vital role in the nation's agricultural enterprise. The honey bee, for example, provides pollination services for more than 90 crops in the United States, which collectively are valued at more than \$17 billion per year.<sup>4</sup> To ensure a healthy honey bee population, more research is needed to understand the complexities of annual colony losses that regularly exceed 30 percent and to examine the diverse factors that endanger bee health. Challenges to the health of honey bees and other pollinators include, among others, parasites, pathogens, poor nutrition, and pesticides; of these, pesticides also have agricultural benefits, against which risks to pollinators must be assessed, and the balance between risk and benefit varies among crop types, crop-producing regions, and pest identity. EPA is well-positioned to guide the development of methods for protecting pollinator health; the agency has,

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<sup>4</sup> Calderone, NW. 2012. Insect Pollinated Crops, Insect Pollinators and US Agriculture: Trend Analysis of Aggregate Data for the Period 1992–2009. *PLoS ONE* 7(5): e37235. doi:10.1371/journal.pone.0037235, <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0037235>.

for example, previously awarded agricultural IPM grants to three universities to aid in the development of IPM practices that reduce risks to bees and other pollinators while protecting crops from pests and human populations from insect disease vectors.<sup>5</sup> **For this reason, ESA supports EPA's participation in multi-agency efforts to investigate pollinator health and implementing plans to prevent pollinator population decline.**

ESA, headquartered in Annapolis, Maryland, is the largest organization in the world serving the professional and scientific needs of entomologists and individuals in related disciplines. Founded in 1889, ESA has nearly 7,000 members affiliated with educational institutions, health agencies, private industry, and government. Members are researchers, teachers, extension service personnel, administrators, marketing representatives, research technicians, consultants, students, pest management professionals, and hobbyists.

Thank you for the opportunity to offer the Entomological Society of America's support for Forest Service and EPA programs. For more information about the Entomological Society of America, please see <http://www.entsoc.org/>.

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<sup>5</sup> EPA. 2014. "EPA Awards Almost Half a Million in Funding to Three Universities for Projects to Reduce Pesticide Risk Including Risks to Bees," <https://yosemite.epa.gov/opa/admpress.nsf/6427a6b7538955c585257359003f0230/a5c495f5bc4d4ba285257c5a005aaa35?OpenDocument>.



**Testimony of Martha Rudolph, Director of Environmental Programs,  
Colorado Department of Public Health & Environment and President,  
Environmental Council of the States (ECOS)  
Before the U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies,  
March 23, 2016**

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Dear Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee,

I am Martha Rudolph, Director of Environmental Programs at the Colorado Department of Health and Environment, submitting this testimony as President and on behalf of the members of the Environmental Council of the States (ECOS) on the Fiscal Year 2017 (FY17) budget for the U.S. Environmental Protection Agency (EPA).

We are pleased to provide this testimony in support of the President's Budget Request of \$3.28 billion in appropriations for the State and Tribal Assistance Grants (STAG). Within STAG, there is a proposed \$1.158 billion for categorical grants, which advance, in part, core state work to carry out responsibilities under the major environmental laws. The Administration's STAG request also includes \$2 billion for the important clean water and drinking water state revolving funds (SRFs), \$90 million for brownfields projects, \$10 million for diesel emission reduction grants, and \$22 million for several focused assistance programs. States welcome the President's request for \$77 million more in funding for categorical grants than the enacted FY16 budget for these programs. We see great value in the \$15.7 million requested increase for environmental information categorical grants, which help support the critical E-Enterprise for the Environment collaborative state and federal work to improve regulatory processes for the regulated community and increase data availability to the public. The E-Enterprise for the Environment effort between states and EPA continues to support the ushering in a new era of efficient, effective, and renewed collaborative federalism – with benefits for all who interface with, or administer, our nation's environmental programs.

States continue to face obstacles as we work to keep pace with the cost of implementing core and new programs. When limited funding is combined with new regulatory requirements and variability in the timing and the amount of federal funds, states' ability to meet their delegated commitments becomes increasingly challenging. As states are responsible for the implementation of over 95 percent of the nation's federal environmental laws, it is essential that states are given flexibility and financial support so that we can work with EPA and other partners to ensure effective protection of human health and the environment.

While states seek ways to save resources through efficiency efforts, our work is difficult to conduct in a flat or reduced fiscal state. We urge Congress to recognize the states' crucial role in delivering environmental protection and services by funding the STAG at the

requested \$3.28 billion level. Following, we offer and elaborate upon several reasons why this investment in states will deliver many times over.

### **States are Primary Implementers of the Nation's Environmental Laws**

The states are co-regulators with EPA in the implementation of the nation's environmental laws and corresponding programs. Congress included provisions in the major federal environmental statutes – including the Clean Water Act, Safe Drinking Water Act, Clean Air Act, and Resource Conservation and Recovery Act – for states to assume authority over the federal programs and to provide financial assistance to states to operate these federal programs. A state match is usually required under these statutes, and states provide on average well over half and in many states, three-quarters of the funds to operate federally delegated programs.

States perform much of the work set out in the President's Budget request through these delegated programs, making federal funding essential. States use a combination of federal and state funding, and fees assessed on regulated entities, to issue permits, conduct inspections and enforcement, gather and manage data, set standards, remediate sites, monitor ambient conditions, and other important activities. In order to ensure the long-term strength and viability of EPA and the states' joint efforts to implement these programs, it is essential that the states receive sufficient federal funding through STAG.

### **The Reality of the STAG Request**

States are encouraged that the President's Budget Request increases ten categorical grants and that overall, categorical grants receive a \$77 million requested increase. When divided nationally, this is a proposed increase of just over \$1 million per state for the implementation of national programs, and every federal dollar will matter – particularly as states do more to maintain the delegated programs.

We acknowledge that the Budget Request was prepared in continued challenging fiscal climate, and that proposed increases may come from reductions to valued programs. In many of these areas, EPA has proposed alternative ways to support the sectors affected by the proposed reductions though programs on the Agency's side of the ledger. For example, while a reduction is proposed for the Clean Water SRF, the administration's proposal calls for a \$1.6 million increase in funds for the Water Infrastructure and Resiliency Finance Center to help communities identify and develop water financing. ECOS still has concerns with reductions to the revolving loan funds below needed and historic amounts. ECOS Resolution 08-1, renewed in 2014, refers to estimates – continually increasing – that over \$700 billion is required to address wastewater and drinking water needs over the next 20 years. While the \$157 million increase proposed for the Drinking Water SRF is without question an overdue and needed response to long acknowledged shortfalls, it appears to come at the expense of the Clean Water SRF – which is proposed at \$414 million less than FY16 enacted. Given the great needs for investment in water infrastructure across the nation, we encourage Congress to fund the SRFs at the President's increased drinking water request level without taking funds away from the clean water SRF. These investments are essential in order to advance critically needed and important work to protect the environment and public health in communities across the nation.

### **Modernizing the Business of Environmental Protection**

Among the categorical grant increases, we especially encourage you to appropriate the requested \$15.7 million increase to the Environmental Information Categorical Grant to states. Streamlining processes and technological investment are essential to enhancing how states deliver permits, monitoring, inspections, and public information. When leveraged with state resources it is essential to bringing state environmental business models into the modern age, and often supports development of shared services for states. These funds will facilitate states' continued efforts to implement electronic permitting and reporting systems proactively which will allow information to be processed, reviewed, shared between states and EPA, and acted upon more quickly. This facilitates job creation, contributes to improved public health, and creates a more efficient and transparent government system that brings more and more regulated entities into compliance while creating incentives for all facilities to perform at high levels. We are committed to joint governance, to better decision-making, and to increasing transparency and efficiency through the E-Enterprise for the Environment initiative. Your support for this Categorical Grant, and for EPA's request for funding its work on E-Enterprise for the Environment aligned projects, will make a meaningful difference to the states, private entities, and the public.

### **Rescissions**

We commend the Administration for proposing no rescissions in prior STAG funds. The states need every dollar that Congress can give, and rescinding prior year funds is detrimental to achieving environmental progress. We are working with EPA to improve administrative processes to ensure that funds are dispersed in a timely manner so that they can be efficiently and effectively put to use by states. We urge you not to include any rescissions of unobligated STAG funds in the FY17 enacted budget. If rescissions must occur due to hard choices you must make, rescissions should be taken equitably from one or more of the Agency's budget accounts and the STAG account.

### **The Value of Flexibility**

State Environmental Agencies have seen budget cuts at the state level and are managing reductions in part by leaning on business processes and by strategically applying practices that improve efficiency, such as targeting inspections to priority areas and implementing technological advancements.

Within each state, needs and priorities can vary in part from priorities set by EPA at the federal level. State commissioners require maximum flexibility to direct the federal resources in ways that suit their unique needs and circumstances. While the states may agree with and appreciate funding for specific efforts, states need flexibility to budget for and implement work activities most effectively. Directed funding undermines state flexibility and needed support for on-going every day implementation of the nation's environmental laws. The states, as co-regulators with EPA, wish to preserve and expand state flexibility to address state and regional priorities within EPA's national framework. Fewer funding directions should help streamline state-EPA discussions about the work to be accomplished.

Reducing spending directives within a Categorical Grant expedites state utilization of funds. States have worked closely with EPA over the last several years to quickly award and then

efficiently utilize valuable federal funding. Fewer instructions allow states to move more quickly to turn federal dollars into positive results.

ECOS and the states are very supportive of the \$21 million multipurpose grant program that Congress created in the FY16 omnibus budget. The President's budget does not include a request to fund this program. In providing these funds for EPA to apportion to states and tribes for the implementation of priorities within environmental programs generally, Congress has given states and tribes the ability to direct the funds where they can most effectively be leveraged and deliver tangible results. We believe flexible funds provide states the best opportunity to make progress in advancing environmental goals and protecting human health, and we strongly encourage Congress to provide additional funding in the enacted budget so that this much-needed grant program can continue.

ECOS and its members value our work with the Appropriations Committees, and are appreciative of the continued consideration of our views. We are confident the funding allocated will be well used to implement the nation's environmental enterprise with EPA. With this funding, states will continue their dedicated efforts to deliver the clean environment all Americans want and deserve in the most efficient, modern, and results-oriented way possible.

We thank you for the opportunity to share our perspective, and remain willing to provide the Committee with any input in the future.

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## FEDERAL FOREST RESOURCE COALITION

**Testimony of the Federal Forest Resource Coalition, to House Appropriations Subcommittee on Interior, Environment, and Related Agencies re: Fiscal Year 2017: U.S. Forest Service and Bureau of Land Management**

The following testimony is submitted on behalf of the Federal Forest Resource Coalition, representing purchasers of Federal timber in 33 states, with over 650 member companies and affiliated associations, collectively representing over 390,000 employees. We make the following specific programmatic recommendations for Fiscal Year 2017:

- Continue strengthening the National Forest Timber Management with a 5% increase in Forest Products, to \$376 Million, an increase of \$18 million.
- Reverse long-term cuts in Capital Improvement & Maintenance, increasing the program by 5 percent, to \$180 million.
- Maintain strong funding for Wildland Hazardous Fuels Reduction.

We urge Congress to permanently address the budget problems that result from “fire borrowing,” and to streamline the process for planning, analyzing, and implementing forest management projects. FFRC appreciates the strong support the subcommittee has shown for the timber and hazardous fuels programs in the 2016 budget.

**Our Mills Rely on Predictable, and Growing Supplies of Timber:** Our member companies make large investments in logging and mill infrastructure. Several issues at the Forest Service inhibit our member’s ability to grow and compete. Unpredictable timber supplies caused by erratic appropriations, fire borrowing, and obstructionist tactics by radical groups taking advantage of burdensome regulations make it difficult to sustain the investments needed to keep our companies viable.

**Eliminate Fire Borrowing, Provide Stable Appropriations:** There is no need to dwell on the need for a durable solution to prevent fire borrowing and cover true emergency spending from an off-budget contingency fund. We appreciate this subcommittees’ efforts in this regard and urge you to keep up your efforts to persuade your colleagues to support such a solution.

We also stress that the Forest Service performance has been hampered in previous years by erratic appropriations and continuing resolutions, some lasting as little as a few days. We urge Congress to minimize these disruptions to the greatest extent possible.

**The Need for Management:** As you know, the National Forest System is experiencing significant forest health challenges. The Chief has testified that the National Forests have

between 65 and 82 million acres in need of active management, with 45 million acres decimated by bark beetles in the Rocky Mountains alone. Further, the Forest Service has a \$5.1 billion capital facilities maintenance backlog, even as the Administration and Congress continue to slash Capital Improvement & Maintenance spending. This backlog does not just impact the roads FFRC members depend on to access timber, but the trails, campgrounds, and visitor centers millions of Americans use. Faced with deteriorating forest health and crumbling facilities, we urge Congress to prioritize management of existing forests and addressing the maintenance backlog over any efforts to expand the National Forests. The Administration's proposed \$103 million increase in land acquisition, between mandatory and discretionary accounts, should be rejected.

**The Need to Increase the Pace and Scale of Forest Management:** In early 2012, the Administration publicly committed to increasing the pace and scale of managing the National Forest System, arguing that by expanding forest restoration programs, forest health would improve, fire danger would decrease, and timber outputs would climb to over 3 Billion Board Feet. While overall volume sold is expected to rise above that level this year, that level of management is insufficient to address pressing forest health problems or meet the needs of the forest products infrastructure remaining near our National Forests. Congress should focus on meeting forest plan ASQ's, and urge the Forest Service to utilize the full suite of new authorities provided since 2011 to meet this goal.

We propose increases in National Forest – Forest Products (timber sales) and Capital Improvement & Maintenance – Roads programs. Specifically, we recommend the Committee provide:

- a 5% increase in **Forest Products**, to \$376 Million, an increase of \$18 million
- a 5% increase in **Forest Roads**, to \$180 Million, an increase of \$8.6 Million
- Support a 4 Billion Board Foot timber goal, comprised of commercial products, including sawtimber, pulpwood, and commercial biomass.

These increases can easily be paid for by redirecting proposed increases in discretionary land acquisition and returning that program to the Fiscal Year 2014 spending level or below.

We are critically concerned with the erosion of funding for National Forest Roads over time. This program is 27 percent below the FY 2010 level in unadjusted dollars. It would take an \$85 million increase from the current spending level to restore the program to where it was in 2010. We recognize that such an increase is untenable, but we urge the committee to increase support for the program to perform road maintenance and meet road cost share agreement obligations thereby ensuring adequate access to the National Forests, not just for timber management but for access for recreation, firefighting, and other emergencies.

We urge the Committee to direct the FS to use higher-value timber sales to create receipts which can replenish Forest Roads trust funds, rather than solely relying on trading low-

value material for extensive road work in Stewardship contracts. The Forest Service should be directed to maximize the use of expanded authority to use Knutsen-Vandenberg Funds beyond the sale area, which was provided by this committee in 2005.

The Committee should direct the Forest Service to aggressively utilize streamlined authorities, including those found in the Healthy Forest Restoration Act, the Fiscal Year 2012 appropriations act, and the 2014 Farm Bill, to increase the number of acres treated, restore forest health, and supply timber to local economies.

**The Need to Increase Efficiency in NFS Management:** We recognize that the nation's fiscal situation demands austerity, and we dialogue constantly with Federal land managers to find ways to reduce costs and increase efficiency. Congress has taken steps to help on this front, including:

- Replaced cumbersome administrative appeals with a streamlined objection process;
- Expanded the use of designation by description to all timber sales; and
- Expanded forest health authorities beyond the Wildland-Urban Interface.
- Created insect & disease treatment areas with the intent of expediting management.

We strongly urge you to continue these efforts by directing the Forest Service to:

- Meet their forest products output targets using only commercial products such as sawlogs, pulpwood, and commercial biomass, not personal use firewood;
- Direct the Forest Service to take advantage of expanded K-V authority;
- Focus higher yielding forest management projects on lands designated as suitable for timber production; and
- Meet a goal of 4 Billion Board Feet in Fiscal Year 2017.

The current annual harvest from the National Forests represents less than half the allowable sale quantity in existing forest plans. In many Regions, the Forest Service is falling short of its own management goals; including response to the bark beetle outbreak in the Rockies and in managing aspen habitat in the Lake States. Many Southern National Forests are overstocked and susceptible to pine beetle outbreaks. Stepping up management will address pressing forest health concerns while bolstering employment in economically distressed rural communities. Investing in the Forest Service timber program is a very effective job creator, generating 16.5 new direct and indirect jobs per million board feet harvested.

**BLM Forest Management:** The President's FY 2017 Budget includes a nearly \$1 million reduction in funding for the BLM Oregon & California (O&C) Grant Lands program. The proposed cut follows a \$6 million reduction that was included in the President's FY 2016 Budget and adopted in the FY 2016 Omnibus Appropriations bill. FFRC's members are very concerned about the impact these funding reductions will have on the BLM's timber sale outputs. In fact, the timber sale program has been reduced from nearly 240 million board feet in FY14 to a little over 200 million board feet in FY 2016.

We urge the Committee to provide at least \$110.5 million for the O&C line item in Fiscal Year 2017 as well as direction to the BLM to focus available funding to increase timber outputs on these lands – including a possible timber harvest volume target. It is also important to note that the BLM will soon be adopting new Resource Management Plans for Western Oregon, which may call for increased timber harvest levels and require additional appropriations for implementation.

The BLM O&C lands are critically important to dozens of local mills that rely on these lands for their log supply as well as local counties facing severe budget shortfalls due to massive reductions in timber receipts. We urge the Committee to refocus the BLM on sustained yield timber management to meet the needs of local communities and comply with the unique statutory mandate of the O&C Act.

We strongly support the Public Domain Forest Management Program at no less than the President's recommended level of \$10.6 million.

**Alaska:** The timber industry in Alaska faces several challenges stemming from years of controversy over the management of the Tongass National Forest. FFRC members in Alaska depend upon supplies of timber from this forest. Current efforts to transition to second growth timber will not meet local industry needs for decades. Steps must be taken to offer a timber sale program that complies with the National Forest Management Act and can sustain the local industry. The transition to young growth proposed in the revised forest plan must be delayed until the Forest Service has an accurate inventory of current old and young forest stands so that a credible financial analysis of the transition can be made. FFRC also urges the Subcommittee to make permanent the Red Cedar language which it has included in previous Interior bills for more than a decade. This language is absolutely necessary to insure that USFS sales are not offered as deficit sales.

**Conclusion:** More forest management work needs to be done on the National Forests. Doing so will help mitigate fire hazards and increase employment in hard pressed rural areas. Only Congress can choose to create American jobs and pay for badly needed forest management work. To paraphrase our favorite bear, only you can decide to act now, or you can allow the negative trends in forest health and rural economic distress to continue.

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*About the FFRC: The Federal Forest Resource Coalition is a unique national coalition of wood products companies, local governments, conservation groups who are united by concern for the National Forests. Representing over 650 member companies and more than 390,000 employees in 33 States, the FFRC is committed to improving the management of the National Forests and BLM lands to support healthy forests and vibrant rural communities.*

Federal Forest Resource Coalition 600 New Hampshire Ave., NW Suite 500 Washington, DC 20037  
[www.federalforests.org](http://www.federalforests.org)

### **Testimony on behalf of the Federation of State Humanities Councils**

Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Esther Mackintosh, President, Federation of State Humanities Councils, Addressing the National Endowment for the Humanities, March 25, 2016.

Mr. Chairman and members of the subcommittee, I thank you for this opportunity to submit testimony on behalf of the state humanities councils, the state affiliates of the National Endowment for the Humanities, requesting **\$155 million** for the National Endowment for the Humanities and **\$46 million** for the Federal/State Partnership for FY 2016.

As full partners of the NEH, the state humanities councils receive their core funding through the Federal/State Partnership line of the NEH budget, which they use to leverage additional support from foundations, corporations, private individuals, and state governments. For the past several years, councils have leveraged, on average, \$5.00 in local contributions for every dollar of federal funding awarded through their grants, and they have further extended their resources in recent years by forming partnerships with more than 9,000 organizations throughout their states. But demand continues to increase. While federal funding for council programs has remained roughly level for the past several years, councils have continued to expand their programs to reach new populations and to meet growing needs in their states.

At the heart of every discussion that takes place within the humanities council community is a fundamental question: How can we make life better for the citizens of our communities? The multiple responses to this question can be seen in an array of council programs, conducted in nearly every congressional district in the nation, which serve families, students, veterans, educators, rural Americans, medical personnel, immigrants and refugees, adult new readers, and a host of others. The state councils in each of the 50 states, five territories and Washington DC work from a deep understanding of the unique identity of their states and of the needs of their citizens and communities. Their programs reach into the tiniest and most remote communities as well as densely populated urban neighborhoods, creating bridges between academic research and public citizens hungry for substantive conversation about issues that matter to them.

Councils steward their modest federal resources not only by forming partnerships and leveraging other funding but also by carefully studying the civic, cultural, demographic and educational profile of their states, assessing the challenges their citizens and communities face, and making informed decisions about where and how their programs will have the greatest impact. Four areas of council activity offer particularly striking and significant illustration of the ways lives are changed through council work. These include programs that 1) support and help reintegrate veterans, 2) contribute to the economic and civic health of communities, 3) provide resources to underserved rural populations and 4) increase literacy and strengthen K-12 education.

**Supporting veterans and their communities.** In 2014, the National Endowment for the Humanities, through its newly launched “Standing Together: The Humanities and the Experience of War” initiative, invited councils to submit proposals for \$10,000 grants to develop or continue programs that would both help veterans adjust to civilian life and deepen understanding on the part of community members of the challenges faced by returning veterans. Through these grants, councils created programs and partnerships that have continued well beyond the conclusion of

the grant period and expanded far beyond the original design. Councils learned early that sustaining relationships forged with veterans and veterans groups was critical, so they stretched their resources to continue the initial programs as long as possible, while also using the grants to leverage other funds, based on a strong record of high quality, reliable programs. NEH offered councils several program models but also gave them a free hand, under the terms of the grant, to shape programs they believed would best serve the veterans in their states.

Two councils developed programs that were among the models available to other councils. The New York Council for the Humanities collaborated with the Great Books Foundation to develop “Standing Down,” a reading and discussion program since adopted by thirteen state humanities councils. The essays, short stories, and poetry about war and military service in the anthology developed for this program serve as a starting point for participating veterans to relate their own stories, lessening their feelings of isolation and helping them to reflect on their experiences.

The Maine Humanities Council, building on their successful Literature and Medicine program for veterans’ caregivers, developed “Coming Home,” a small-group reading and discussion series that involves veterans whose service spans several decades. Eleven additional councils have adapted the series in their states. The importance of these discussions and the timeless value of the humanities are beautifully articulated in this observation from a Vietnam veteran in Maine: “I heard about this group and I thought, ‘Coming Home, what a concept.’ I’m older, I’m tired, and I’m ready to get on with the rest of my life...[The Odyssey] was telling a story to us from 3,000 years ago and yet we were telling the same story to each other...It felt good to be part of something...the society we live in doesn’t really offer, especially to veterans.”

Veterans’ experiences can be communicated in a variety of ways, as evidenced by a California Humanities program called “War Ink,” through which veterans shared their stories of war and homecoming with each other and the general public through an online interpretive exhibit of tattoos, a widespread form of communication among veterans. Initiated by a veteran and a program fellow at the Contra Costa County Library with a modest \$10,000 grant from the humanities council, the site has received more than 50,000 visits since it was launched on Veterans Day in 2014. The website includes an introductory video, followed by images and testimonies in four sections, describing pathways to enlistment, the transformations undergone by veterans, the enormity of the losses experienced by veterans, and the struggles to rejoin families and communities. The 24 stories from men and women located in every part of the state reflect the diversity of experience in California, home to more than two million veterans. A comment section invites visitors to express their thoughts and a separate tab offers an opportunity for them to help veterans rejoin the life of their communities. The project was created through the cooperative efforts of an unusual array of partners including public and private funders, tattoo parlors, veteran-serving organizations, libraries, college campuses, and media professionals.

**Strengthening economic and cultural structures.** In addition to giving context and meaning to the lives of individuals and communities, the humanities also strengthen the economic, cultural and educational foundations of communities. Council-sponsored book festivals in Nebraska, Nevada, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia bring thousands of residents and visitors together around the love of books and reading, while

also contributing to local economies. The Utah Humanities Book Festival, for example, created and supported by Utah Humanities, draws sponsorships from foundations, corporations, state and local governments, and local businesses. In 2015, the festival featured more than 100 authors and attracted 13,000 participants in seventeen communities, contributing thousands of dollars to those communities, while also strengthening their cultural infrastructure.

The Ohio Humanities Council's cultural tourism project, *See Ohio First*, originated with a series of driving tours, packaged as "The New Ohio Guide." These highly successful tours, created through a grant from the Ohio Department of Transportation and narrated by humanities professionals, introduced both residents and tourists to the communities and historic sites of the state. The *See Ohio First* website, supported through a grant from the NEH Public Programs Division, provides a new home for the driving tours and further expands opportunities to draw potential visitors to the state. According to the council executive director, "*SeeOhioFirst.org* will be redesigned to let cultural heritage organizations quickly and easily post information about their sites. It will be another tool to promote cultural heritage attractions to larger audiences." Such cultural heritage tourism activities, supported by councils in Ohio and many other states across the country, serve the dual purpose of educating citizens about the rich history of our individual states while helping the communities in those states to thrive.

**Serving rural communities.** Our nation's rural communities are rich tapestry of vibrant American life, but many of these communities hunger for the kinds of cultural resources that connect them with their own histories and with the larger world. Humanities council programs meet this need in thousands of communities in every corner of their states each year. From Chautauqua portrayals of historic figures to reading and discussion programs in local libraries to humanities speakers who traverse the state to deliver presentations on topics ranging from "Paul Revere's Ride" to "Cowboys and Cowgirls: Icons of the American West," humanities council programs offer live, intellectually substantive programs that are not available to residents of these rural communities through any other source.

The successful 25-year partnership between the state humanities councils and the Smithsonian Institution Travelling Exhibition Service (SITES) has brought high-quality, lightweight, portable Smithsonian exhibits to small towns in 46 states and Guam through a project known as Museum on Main Street. Over its history, MoMS has stimulated partnerships among the councils, SITES, and local institutions in more than 900 communities, with an average population of 8,000. Recent exhibit topics have included "Hometown Teams," looking at the way American sports have both reflected and influenced the culture; "The Way We Worked," which traces changes in our workforce and work environments over 150 years; and "Water/Ways," exploring the impact that water has on our landscape, our climate, and our communities. In each community, the MoMS exhibit is accompanied by a local exhibit and by cultural and educational activities planned and carried out by the host community, with financial and professional support from the humanities council and SITES.

To cite one example, the Minnesota Humanities Center, in partnership with the Minnesota Pollution Control Agency, the Minnesota Historical Society, the Minnesota Department of Health, and the Minnesota section of the American Water Works Association, will support a tour of "Water/Ways" to six communities between June 2016 and April 2017. As with other Museum

on Main Street tours, this one will not only bring visitors to town, it will also increase the capacity of the local institutions involved with the tour, while also convening a coalition of disparate institutions committed to increasing understanding of this complex topic. The Maryland Humanities Council offers another striking illustration through the small community of Galesville, which hosted “Hometown Teams” in 2015. When the planning began, the host institution, the Galesville Community Center, lacked the most fundamental tools, such as a website, but they knew they had a rich story to tell about the history of Galesville, population 700, home to the local Negro League Hot Sox baseball team from 1915 to 1977. Because no written history of the town or the baseball team existed, a group of students, with the help of an oral historian, began to gather oral histories to incorporate into an exhibit to accompany the MoMS exhibit and eventually to develop into four video documentaries. The project gave back to this small rural town a history that had been lost to the outside world, and it turned the Galesville Community Center into a true community asset.

**Supporting education at all levels.** The state humanities councils, at their core, are all about contributing to the education of our citizens, from the youngest children to the most senior adults. Council programs help low-income and immigrant families improve their children’s school readiness and the parents’ reading skills through family literacy program models, such as Prime Time and Motherread. Council-supported programs for K-12 students, such as National History Day, Center for the Book writing programs, Speakers in the Schools programs, and humanities camps and conferences for youth, among others, improve student learning and engagement. Humanities Nevada’s award-winning Young Chautauqua program, founded in 1993, provides support for young scholars to research and portray historical figures. Their presentations to public audiences include research-based monologues followed by lively engagement with audience members, increasing the students’ historical knowledge, familiarity with scholarly research, and confidence.

Councils also provide support for humanities teachers, often representing the only content-based professional development available. The Idaho Humanities Council summer institutes, for example, which date back to 1998, have offered Idaho teachers week-long immersion in such topics as the literature of Idaho, the history of the Supreme Court, the Presidency of Abraham Lincoln, and Native American literature.

Many of the council-supported learning opportunities engage citizens for whom few other resources exist. The Clemente Course, originated at Bard College and supported by a number of councils under a variety of names, provides a unique opportunity for low-income adults to take college credit-earning humanities courses free of charge. Humanities Washington has provided technical assistance and free anthologies for a Clemente Course in their state offered specifically for veterans, which was recently awarded a major grant from NEH to expand its scope.

These are only a few of the hundreds of programs through which councils help to fulfill the mandate of the founding legislation, which eloquently reminds us that “democracy demands wisdom and vision in its citizens....” We urge you to support our request for \$155 million for the NEH and \$46 million for the Federal/State Partnership, so humanities councils can continue to partner with the citizens of their states all across the country in pursuit of this wisdom.

**TESTIMONY ON FISCAL YEAR 2017 APPROPRIATIONS  
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
WALLY DUPUIS, CHAIRMAN  
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
March 23, 2016**

I am Wally Dupuis, Chairman of the Fond du Lac Band of Lake Superior Chippewa. On behalf of the Band, I would like thank this Committee for the opportunity to submit testimony on FY 2017 Appropriations for Indian programs funded through the Interior Department, Indian Health Service and Environmental Protection Agency. The Fond du Lac Band occupies a small reservation in northeastern Minnesota. We have approximately 4,200 members and provide health, education, social services, public safety and other governmental services to more than 6,700 Indian people who live on and near our Reservation. We strive to find solutions that will break the cycle of poverty and meet the unmet needs of our community. We are proud of the steps that we have taken to do this, including partnerships with the public and private sectors. But while we are beginning to address these longstanding problems, much remains to be done. Federal funding is essential.

**Bureau of Indian Education.** BIE funding is the primary source of funding for the Fond du Lac Ojibwe School. This school serves approximately 340 students in pre-K through grade 12. Our students come from very low-income households; more than 90% of our students qualify for free or reduced rate lunches. While we are making progress in improving the educational attainment of our students, we are handicapped by limited resources. There are still significant disparities between American Indians and the population statewide on education that correlate with poverty levels. Data compiled for Minnesota in 2015 illustrates this:

	Living below Poverty	3 <sup>rd</sup> Grade Students at 3 <sup>rd</sup> Grade reading level	8th Grade Students at 8 <sup>th</sup> Grade math level	High School graduation rates
Statewide	11.50%	58.7%	57.8%	81.9%
MN Indian	32.20%	40.5%	30.8%	51.9%

From: Minnesota Compass, <http://www.mncompass.org/education/overview>. Most recent data is as of 2015 except poverty rates are as of 2014.

We very much appreciate the federal efforts to improve opportunities for American Indian youth, and the recognition that education is a key component to improve the life trajectories of Native youth. We support the President's budget, which would increase overall education funding by \$60 million over the FY 2016 enacted level, including increases in funding for: Johnson O'Malley, so we can assist Indian children in public schools, as well as Early Childhood Development funds (FACE), which is critical to providing preschoolers with skills to be school-ready. As to other elements of the budget for education funding, we urge the following:

- ISEP. Increase ISEP to \$574 million as requested in the President's budget. ISEP is the primary source of school funding. It covers salaries for teachers, teacher aides, and administrative personnel and is essential to our ability to recruit and retain qualified teachers and to cover shortfalls in other budget areas, such as transportation, facilities and maintenance.
- Tribal Grant Support Costs (TGSC). Increase to \$75 million funding for TGSC. This helps pay the costs of accounting, insurance, background checks, legal and record-keeping.

- School Facility Operations and Maintenance. Increase School Facility Operations to \$66,219,000, and School Facility Maintenance to \$79,000,000. We need these funds to keep the building safe, pay for preventative maintenance, and cover insurance and utility costs.
- Student Transportation. Increase Student Transportation to \$57,245,000 as set out in the President's budget as these funds allow us maintain, repair, and replace buses.
- School Construction and Repair. Appropriate \$138 million for School Construction and Repair. Students and staff are put in jeopardy if deferred maintenance is not addressed.

**BIA: Public Safety and Justice.** We disagree with the President's proposal to decrease funding for BIA's Public Safety and Justice. We urge Congress to increase those funds above FY 2016 levels. Although we are a small community, we are combating major crimes. Alcohol, illegal prescription drug use, methamphetamine, and gang-related activity create huge demands on our law enforcement. In addition, we face a significant increase in heroin use. Many in our community are the victims of assaults and robberies that are drug-related. Our officers must respond to increasing drug overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries. They also respond to a wide range of other matters, including domestic disputes, disturbances, disorderly conduct, property damage, theft, medical emergencies, fire, neglected children, runaways, suicide threats, as well as numerous traffic-related matters. In 2015, our Law Enforcement responded to more than 8,000 incidents and calls for service. This is a substantial increase from past years, where incidents and calls for service from our Department were: 6,000 in 2014; 5,342 in 2013; 5,100 in 2012; and 4,900 in 2011.

We use a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies to meet law enforcement needs. To ensure effective law enforcement coverage 24/7, we need to have sufficient law enforcement staff and equipment. We are very fortunate that as a result of a COPS grant in 2015, we were able to employ 20 sworn officers – the number we need to effectively patrol the Reservation. But our officers still need equipment. We do not yet have a sufficient number of patrol cars. We regularly need to acquire and replace other basic law enforcement equipment, like binoculars, video cameras, digital recorders and other surveillance tools. Federal funding is essential to meet those needs.

Although I am pleased that we have been able to employ 20 sworn police officers, we have outgrown our current office space. With the lack of available building space, we have had to share building space with the Reservation's Housing Department. We moved into our current space in 2004 with a total of 11 sworn officers. The space was tight with 11 officers. Needless to say, we desperately need a new modern building. As of right now we work in an area that consists of 5 offices, a squad room barely capable of holding everyone for a department wide meeting and an evidence room. A new building would allow us to work more efficiently and allow for further growth in the future.

**BIA: Trust-Natural Resources Management.** We support the President's budget proposal, to fund BIA Natural Resources Management at \$215.6 million in FY 2017, including funding for Tribal Climate Resilience. Climate change impacts are especially significant in Indian country, where the basic subsistence needs of Indian people often depend on natural resources. This is certainly true at Fond du Lac. By Treaties made in 1837, 1842 and 1854, the United States acquired our aboriginal territory but, to ensure that we could sustain ourselves and our families,

expressly promised that we retained rights to hunt, fish and gather natural resources within and outside our Reservation. Our members depend on and exercise these treaty-protected rights to put food on the table and for ceremonial practices that serve as the foundation for our culture. The stewardship of those natural resources – through scientific study, resource management, and enforcement of Band laws that regulate Tribal members who hunt, fish and gather those resources – are an important source of employment for many of our members. Funding increases for Trust-Natural Resources Management allows us to protect, enhance, and restore natural resources. Significant stable funding is the most effective way to provide ecosystem services in a climate change driven environment. Healthy ecosystems will be best able to tolerate the stresses of climate change if they are in the best condition possible.

Fond du Lac forest resources are an important asset to the Fond du Lac Band. The Intertribal Timber Council's third assessment of Indian forestry completed in 2013 found that Indian forestry is woefully unfunded when compared to other federal, state, and private industrial forests. Working towards funding parity should be a goal nationally. Protecting the forest from wildfire and maintaining a fire resilient forest is also a goal of the Fond du Lac Band. Fire preparedness funding is below the most efficient level (MEL) and now 20% of the fuels funding is proposed to be stripped away from Indian forestry. Fire preparedness and fuels funding provide a basis for workforce development in Indian forestry. Tribal communities are within Tribal fire protection areas. Other federal agencies have communities adjacent to their protection areas. Provide adequate funding to manage Tribal forests, protect forests from wildfire, create fire resilient communities and forests, and provide workforce development.

**US Fish and Wildlife Service.** The US Fish and Wildlife Service is a valued partner of the Fond du Lac Band in wildlife and fisheries research and restoration programs. We request that the overall budget of the Fish and Wildlife Service be increased, with a particular increase to the Native American Liaison program. We support the President's requested increase to the Tribal Wildlife Grant Program, but urge that this program be funded at 5 times its current level, since current funding levels allow few grants to be awarded.

**Environmental Protection Agency (EPA).** The drastic funding cuts to EPA in past years threaten long-term damage to the Nation. We support, at a minimum, the \$8.6 billion in funding recommended in the President's budget, as well as the President's recommended increase in State and Tribal Assistance Grants, but urge that more be appropriated for these important programs.

- **Great Lakes Restoration Initiative.** The Band fully supports this initiative, and asks that it be funded at \$500 million, two times what is requested in the President's budget. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region. It is also an example of where EPA's modest investment in tribal capacity support has resulted in substantial outcomes, both in a more visible presence and active participation in Great Lakes restoration and protection – a true 'seat at the table' – and in tangible outcomes from successful projects.

- **Water Quality.** The Fond du Lac Band has a federally approved water quality standards program that has seen annual funding declines, while the Band's responsibilities have increased. Given the current threats to water resources in our region from the expansion of iron and copper mining, we urge that Tribal section 106 funding be doubled. Not only has the universe of tribes

authorized for Section 106 funding expanded, but tribes with mature programs like the Band are struggling to cover additional activities related to our multiple Clean Water Act authorities with shrinking funds.

- Air. In conjunction with our water quality monitoring responsibilities, the Band has a long-standing air monitoring program that has also faced a steady decline in federal funding. We request that air quality program funding for tribes be increased.
- Wetlands. One-half of our reservation is made up of wetlands. Proper management and restoration of this valuable resource is impossible without adequate and consistent federal funding. We request sustained wetland monitoring and protection program funding.

**Indian Health Service.** We fully support the President's proposed increase in funding for IHS and appreciate the commitment that the Administration and Congress have made to address the funding needs for health care in Indian country. The President's proposed increase is essential to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and its associated complications, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. All Indian tribes should receive 100% of the Level of Need Formula, which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves over 7,000 Indian people at our clinics, but the current funding level meets only 42% of our health care funding needs.

As the epidemic of prescription drug abuse grows across the country, the IHS needs resources to expand its treatment and community education capacity. We are especially disappointed with the Pharma-driven position SAMHSA has followed for the past several years regarding Methadone Assisted Therapy (MAT). Many poorly administered MAT programs are pouring unprecedented amounts of cheap, liquid Methadone into Indian communities with very destructive results. In 2012, nearly 40% of the babies delivered by Fond du Lac Nurse-midwives were born to Methadone dependent mothers. Although those numbers improved in 2013, nearly 35% of all pregnant women seen by Fond du Lac primary care providers use illicit drugs, mainly opiates. Research shows that methadone users are cognitively impaired, and more recent research has shown that children born to methadone users are more likely to have low birth weight, neural tube defects, spina bifida, congenital heart defects and gastroschisis. In Minnesota, Indian moms on Medical Assistance are 8.7 times more likely than non-Indian moms to give birth to an infant suffering with NAS. Meanwhile, thousands of American Indians are falling victim to the chemical slavery now sponsored by SAMHSA. Additional funding for the Methamphetamine, Suicide Prevention Initiative should be made available to tribes and the IHS so that this "new sickness" can be addressed. Best practices in pharmacy inventory and prescription monitoring need to be modeled and replicated throughout Indian Country. The need is compounded by the fact that more government agencies expect local units of government, including Tribes, to address these problems and the increasing number of individuals who become homeless as a result of them, through the operation of supportive housing. But Fond du Lac's ability to establish new program initiatives, like supportive housing, depends on assistance from the federal government. We urge Congress to support programs that would fund supportive housing for tribes in every area of the country. Miigwech. Thank you.

March 23, 2016

Committee on Appropriations  
Interior Subcommittee  
United States House of Representatives

**Re: Funding for the National Conservation Lands**

Dear Chairman Calvert and Ranking Member McCollum,

On behalf of the Friends Grassroots Network and the undersigned organizations we would like to express our support for the President's 2017 proposed budget for the Bureau of Land Management's (BLM) National Conservation Lands. The Friends Grassroots Network is made up of citizens across the nation, who care deeply about the National Conservation Lands and believe that our nation's public lands are worth investing in.

The National Conservation Lands are a new and growing system of over 32 million acres, comprised of National Monuments, Conservation Areas, Wilderness, Wilderness Study Areas, Historic Trails and Wild and Scenic Rivers. The system protects the best of our nation's natural and cultural resources, provides world-class recreational and sportsmen opportunities and supports the economic growth and well-being of communities throughout the west. Unfortunately, the National Conservation Lands have been underfunded since inception. Although the system accounts for 12.5% of BLM's portfolio and represents 6% of its budget.

The President's 2017 Budget recognizes the need to increase funding for the National Conservation Lands. Currently, these spectacular public lands are suffering from looting and vandalism, lack of staff to provide basic volunteer and visitor services and deteriorating landscapes due to fire and invasive species. Increased funding for the National Conservation Lands will ensure our nation's public lands continue to provide economic, educational, recreational and quality of life benefits for all Americans.

While the 2017 President's Budget does not address all the system's needs, this modest increase is essential to ensure the protection of our nation's most valuable assets.

Sincerely,

Brian O'Donnell, Executive Director  
**Conservation Lands Foundation**

Jamie Williams, Executive Director  
**The Wilderness Society**

Scott Jones, Board President  
**Arizona Conservation Partnership (AZ)**

Robert Weissler, Executive Director  
**Friends of San Pedro River (AZ)**

Aaron Wright, Research Associate  
**Archeology Southwest (AZ)**

Shela McFarlin, Chairman  
**Cienega Watershed Partnership (AZ)**

Maggie Sacher, Board President  
**Friends of the Cliffs (AZ)**

Sharon Baur, President  
**Friends of Joshua Tree Forest (AZ)**

Sara Dawn Husby, Executive Director  
**Tuleyome (CA)**

Ann Cole, Executive Director  
**Mendocino Land Trust (CA)**

Bob Hargreaves, Board President  
**Friends of the Desert Mountains, (CA)**

Jora Fogg, Preservation Manager  
**Friends of the Inyo (CA)**

Patrick Donnelly, Executive Director  
**Amargosa Conservancy (CA)**

Steph Wald, Board Member  
**Carrizo Plain Conservancy (CA)**

Henrietta Stern, President  
**Fort Ord Recreation Trails (FORT) Friends (CA)**

Keith Baker, Executive Director  
**Friends of Browns Canyon (CO)**

Sam Carter, Board President  
**Dolores River Boating Advocates (CO)**

Alex Johnson, Executive Director  
**Western Slope Conservation Center (CO)**

Diane McBride, Executive Director  
**Southwest Colorado Canyons Alliance (CO)**

Joe Neuhoof, Executive Director  
**Colorado Canyons Association (CO)**

Deborah Gangloff, Ph.D., President & CEO  
**Crow Canyon Archaeological Center (CO)**

Soren Jespersen, Board Member  
**Friends of the Yampa, (CO)**

Beth Kampschror, Executive Director  
**Friends of Missouri Breaks Monument (MT)**

Jonathan Peart, Executive Director  
**Friends of Pompeys Pillar (MT)**

Ben Gabriel, Executive Director  
**Friends of Organ Mountains Desert Peaks (NM)**

John Corcoran, President  
**Fort Stanton Cave Study Project (NM)**

Jaina Moan, Executive Director  
**Friends of Gold Butte (NV)**

Chuck Williams, President  
**Friends of Red Rock Canyon (NV)**

Jim Stanger, President  
**Friends of Sloan Canyon (NV)**

Terry Dickey, Chair  
**Friends of Cascade-Siskiyou National Monument (OR)**

Dave Willis, Chair  
**Soda Mountain Wilderness Council (OR)**

Marilynne Keyser, President  
**Friends and Neighbors of the Deschutes Canyon Area (OR)**

Susan Crook, Land Program Manager  
**Conserve Southwest Utah (UT)**

Gavin Noyes, Executive Director  
**Utah Dine' Bike'yah (UT)**

Carly-Ann Anderson, Executive Director  
**Alliance for Historic Wyoming (WY)**

Jeanne Latham, Chair  
 Friends of Patuxent Research Refuge and Patuxent Wildlife Research Center, Inc  
 10901 Scarlet Tanager Court  
 Laurel, Maryland 20708-4011

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
 INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR  
 2016 APPROPRIATIONS, March 22, 2016

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of Patuxent Research Refuge and Patuxent Wildlife Research Center, Inc. (Friends of Patuxent), I would like to present testimony in support of the FY17 budget requests for the Patuxent Research Refuge (PRR), USFWS and FY18 capital budget request for the Patuxent Wildlife Research Center (PWRC), USGS in Laurel, MD. In broad terms, the Friends of Patuxent supports a full appropriation of \$506.6 million for the National Wildlife Refuge System operation and maintenance; permanent reauthorization and full funding for the Land and Water Conservation Fund at \$900 million per year; and specifically for capital budget requests of \$23 million for a replacement general science lab and \$12 million for a wildlife physiology lab at Patuxent Wildlife Research Center.

Many of you may have visited this unique National Wildlife Refuge and research center, the only facility of its kind, since it is so close to our nation's Capital. Founded in 1936, Patuxent is the premier wildlife research center in the world, and the 12,000 plus acres of the research refuge, along with the National Wildlife Visitor Center, comprise one of the largest urban wildlife refuges in the nation.

While this flagship refuge and research center is justly the pride of USFWS and USGS for its unique mission, the refuge and center have suffered from years of cut-back budgets and staff shortages. These intentional cuts and lack of ability to make up for losses from inflation have seriously impacted the mission of each of these facilities.

For example, at Patuxent Research Refuge, full time staff positions have been left vacant for inordinate amounts of time; two and three years in some cases simply because there is insufficient funding to fill them. The National Wildlife Visitor Center is now closed one day per week because there is insufficient staff and operational funding to remain open seven days per week. Many program requests such as school visits, youth groups, and training workshops turned down because of lack of staff or the closed visitor center. This is not the staff's fault, but it is not acceptable for a national urban wildlife refuge of this caliber.

At Patuxent Wildlife Research Center, a facility of USGS, there is comparable need for staff and operational funding, but in addition, there is exceptional need for capital funding to replace a general science lab, the Stickell Lab, that was demolished in recent years due to deterioration and unsafe conditions. In addition, a new wildlife physiology lab for \$12 million is needed to perform vital work in genetics analysis, indoor holding of wildlife species under study, and other needs.

The staff of research scientists and biologists is down 60 percent. Four scientists are retiring this year; they are replacing only one position. Overall the complement of research scientists who are performing vital work on environmental contaminants, wildlife research, and endangered species is down from a high of 54 positions to the present 32.

The Friends of Patuxent have supported the volunteer program at Patuxent in both the educational and programmatic functions of Patuxent Research Refuge and the scientific and management functions of Patuxent Wildlife Research Center. It is a sad state of affairs when the lack of staff causes the volunteer program to be diminished because there is not enough staff to coordinate and supervise the outstanding volunteers who are willing to give of their time and talent in support of the mission of these facilities.

We urge you to support these reasonable budget requests for both the wildlife refuge and the wildlife research center. You will be making investments in work that is extremely important to the nation. We thank you for the opportunity to present this testimony.

Testimony of the

**Geological Society of America**

Kasey White  
Director for Geoscience Policy  
Regarding the

**U.S. Geological Survey**  
2017 Budget

To the

**U.S. House of Representatives**

Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

March 23, 2016

**Summary**

The Geological Society of America (GSA) urges Congress to support the FY 2017 request of \$1.2 billion for the U.S. Geological Survey (USGS). As one of our Nation's key science agencies, the USGS plays a vital role in understanding and documenting mineral and energy resources that underpin economic growth; researching and monitoring potential natural hazards that threaten U.S. and international security; and determining and assessing water quality and availability. Approximately two thirds of the USGS budget is allocated for research and development. In addition to underpinning the science activities and decisions of the Department of the Interior, this research is used by communities across the nation to make informed decisions in land use planning, emergency response, natural resource management, engineering, and education. Despite the critical role played by the USGS, funding for the agency has stagnated in real dollars for more than a decade. The requested level would permit the USGS to add to its capability in these important areas. Given the importance of the many activities of the Survey that protect lives and property, stimulate innovations that fuel the economy, provide national security, and enhance the quality of life, GSA believes that growth in federal funding for the Survey is necessary for the future of our Nation.

*The Geological Society of America, founded in 1888, is a scientific society with over 26,000 members from academia, government, and industry in all 50 states and more than 100 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind.*

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### U.S. Geological Survey Contributions to National Security, Health, and Welfare

The USGS is one of the nation's premier science agencies. Approximately two thirds of the USGS budget is allocated for research and development. In addition to underpinning the science activities and decisions of the Department of the Interior, this research is used by communities across the nation to make informed decisions in land use planning, emergency response, natural resource management, engineering, and education. USGS research addresses many of society's greatest challenges for national security, health, and welfare. Several are highlighted below.

- Natural hazards – including earthquakes, tsunamis, volcanic eruptions, wildfires, and landslides – are a major cause of fatalities and economic losses. Recent natural disasters provide unmistakable evidence that the United States remains vulnerable to staggering losses. Landslides, which occur in every state, cause more than \$3 billion in damage each year. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence, which allows for effective planning and mitigation.

Decision makers in many sectors rely upon USGS data. For example, USGS volcano monitoring provides key data to enable decisions on airline safety and data from the USGS network of stream gages is used by the National Weather Service to issue flood and drought warnings. GSA urges Congress to support efforts for USGS to modernize and upgrade its natural hazards monitoring and warning systems to protect communities from the devastating personal and economic effects of natural disasters, including additional 3-D elevation mapping and earthquake early warning systems.

- A 2013 report by the National Research Council, *Emerging Workforce Trends in the Energy and Mining Industries: A Call to Action*, found, “Energy and mineral resources are essential for the nation’s fundamental functions, its economy, and its security.” Recent studies have shown that rare earth elements are essential to the production, sustainment, and operation of U.S. military equipment. Reliable access to the necessary material is a bedrock requirement for the Department of Defense. In addition, many emerging energy technologies – such as wind turbines and solar cells – depend upon rare earth elements and critical minerals that currently lack diversified sources of supply. We support the proposed increases in minerals science, research, information, data collection and analysis that will allow for more economic and environmental management and utilization of minerals. In addition, GSA supports increases in research to better understand domestic sources of energy, including conventional and unconventional oil and gas and renewables.
- The ongoing drought in the western United States is a testament to our dependence on water. The availability and quality of surface water and groundwater are vital to the wellbeing of both societies and ecosystems. Greater scientific understanding of these resources through monitoring and research by the USGS is necessary to ensure adequate and safe water resources for the health and welfare of society.
- USGS research on climate impacts is used by the Department of the Interior and local policymakers and resource managers to make sound decisions based on the best possible science. The Climate Science Centers, for example, provide scientific information necessary

to anticipate, monitor, and adapt to climate change's effects at regional and local levels, allowing communities to make smart, cost-effective decisions.

- The Landsat satellites have amassed the largest archive of remotely sensed land data in the world, a tremendously important resource for natural resource exploration, land use planning, and assessing water resources, the impacts of natural disasters, and global agriculture production. GSA supports interagency efforts to plan a path forward for future support of Landsat.

All of these activities are supported by the Core System Sciences, Facilities, and Science Support arenas. These programs and services, such as geologic mapping and data preservation, provide critical information, data, and infrastructure that underpin the research that will stimulate innovations that fuel the economy, provide security, and enhance the quality of life. Increases are particularly needed in Facilities to address many deferred maintenance programs.

Knowledge of the earth sciences is essential to science literacy and to meeting the environmental and resource challenges of the twenty-first century. It is also fundamental to training the next generation of Earth science professionals. We are very concerned that cuts in Earth science funding will cause students and young professionals to leave the field, potentially leading to a lost generation of professionals in areas that are already facing worker shortages. Investments in these areas could lead to job growth, as demand for these professionals now and in the future is assessed to be high.

A 2013 report by the National Research Council, *Emerging Workforce Trends in the Energy and Mining Industries: A Call to Action*, found, "In mining (nonfuel and coal) a personnel crisis for professionals and workers is pending and it already exists for faculty." Another recent study, *Status of the Geoscience Workforce Report 2014*, found an expected deficit of approximately 135,000 geoscientists by 2022.

Thank you for the opportunity to provide testimony about the U.S. Geological Survey. For additional information or to learn more about the Geological Society of America – including GSA Position Statements on water resources, mineral and energy resources, natural hazards, and public investment in Earth science research – please visit [www.geosociety.org](http://www.geosociety.org) or contact Kasey White at [kwhite@geosociety.org](mailto:kwhite@geosociety.org).

**House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
Testimony of the Humane Society of the United States (HSUS), Humane Society  
Legislative Fund (HSLF), and Doris Day Animal League on the FY 2017 Budget  
March 23rd, 2016**

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations. We urge the Subcommittee to address these priority issues in the FY 2017 Department of Interior appropriation. We have requests to a number of programs detailed below: Environmental Protection Agency's CompTox program (\$25.7 million), Bureau of Land Management's Wild Horse and Burro Program (budget increase contingent on implementing the National Academy of Science's recommendations on fertility control), and the Multinational Species Conservation Fund (continued funding but with no funds from conservation programs to promote trophy hunting, trade in animal parts, and other consumptive uses). We also ask that language is **not** included that would halt the U.S. Fish and Wildlife Service's (FWS) efforts to combat wildlife trafficking or in any way undermine the Endangered Species Act.

**Environmental Protection Agency's CompTox Program**

Thousands of chemicals are currently used and hundreds of new ones are introduced each year for which toxicity assessments need to be conducted. To answer this need, EPA established the **National Center for Computational Toxicity** to predict hazard and prioritize chemicals for further screening and testing, developing and using high-throughput assays and predictive tools which are less expensive and time consuming and more predictive of relevant biological pathways.

Through EPA's **CompTox program**, EPA has screened more than 2,000 chemicals (industrial, food additives, and consumer products) and evaluated them in more than 700 high-throughput assays. Additionally, EPA is using **ToxCast** data to prioritize chemicals for evaluation in the Endocrine Disruptor Screening Program. **Tox21**, a collaboration between EPA, NIEHS, NCATS and the FDA is currently screening 10,000 chemicals to improve the effectiveness of drug development.

However, even as the need increases for this data, the program's budget has stagnated at \$21.4 million in FY 2015 and FY 2016. We support an increase to \$25.7 million to the CompTox program in FY 2017. This will encourage the likelihood of realizing the goals presented in the CompTox program and assure a more predictable and relevant chemicals safety assessment.

**Bureau of Land Management - Wild Horse and Burro Program**

The Humane Society of the United States (The HSUS) is one of the leading advocates for the protection and welfare of wild horses and burros in the U.S. with a long history of working collaboratively with the Bureau of Land Management (BLM) – the agency mandated to protect America's wild horses and burros – on the development of effective and humane management techniques.

The HSUS strongly supports a significant reduction in the number of wild horses and burros gathered and removed from our rangelands annually. We believe removing horses from the range without implementing any active program for suppressing the population growth rate has proven itself to be an unsustainable method of management of our nation's wild horses, and simply leads to a continual cycle of roundups and removals when more long-term, cost-efficient and humane management strategies, such as fertility control, are readily available.

For years, the BLM has removed far more wild horses and burros from the range than it could possibly expect to adopt annually, and as a consequence, the costs associated with caring for these animals off the range have continued to skyrocket. The costs associated with caring for one wild horse in a long term holding facility over the course of its life is approximately 46,000 dollars according to the BLM. Today, there are almost 50,000 wild horses and burros in these pens, and the agency spends more than 65% of its annual Wild Horse and Burro budget on holding costs. While recent years have shown a decline in the number of animals removed from the range, the BLM must continue to balance the number of animals removed from the range annually with the number of animals it can expect to adopt in a given year if it hopes to effectively reduce off-the-range management costs.

Further, the BLM's current program of management of wild horses has negative effects that go beyond a simple cost-benefit analysis. For instance, the recommendations in the National Academy of Sciences 2013 report "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward," commissioned by the BLM itself, stated that it is BLM's own practices of managing wild horses "below food-limited carrying capacity" by rounding up and removing a significant proportion of the herd's population every three to four years that is facilitating high horse population growth rates on the range.

As such, it is incumbent that the BLM move away from current management practices to create a long-term, humane and financially sustainable path. It is our belief that the most cost-effective and humane approach is for the BLM to move aggressively forward with a fertility control program which prioritizes on-the-range management of wild horses and burros. This path forward is supported by the National Academy of Sciences report, which called for an increased usage of on-the-range management tools, including the usage of the fertility control vaccine PZP. Further, a 2008 paper determined that contraception on-the-range could reduce total wild horse and burro management costs by 14%, saving \$6.1 million per year.<sup>2</sup> Finally, the results of a paper describing an economic model commissioned by The HSUS indicates that by treating wild horses on one hypothetical Herd Management Area (HMA) with the fertility control vaccine Porcine Zona Pellucida (PZP), the BLM could save approximately \$5 million dollars over 12 years while achieving and maintaining Appropriate Management Levels (AML) of 874 horses. Since the BLM estimates that more than 58,000 wild horses roam in the U.S., the use of PZP could result in a cost-savings of tens of millions of dollars if applied broadly across all HMAs.

For these reasons, we support an increase to the BLM Wild Horse and Burro budget, contingent on the agency's usage of the funding to immediately begin usage of the NAS-recommended fertility control methods that are currently available, and to fund additional research on contraception and population growth suppression methods.

### **Multinational Species Conservation Fund**

The Administration's FY17 budget requests \$11.1 million for the Multinational Species Conservation Fund (MSCF) program which funds African and Asian elephants, rhinos, tigers, great apes like chimps and gorillas, and sea turtles. The HSUS joins a broad coalition of organizations in support of the Administration's request while ensuring that the sales from the semi-postal stamps benefiting this program remain supplementary to annually appropriated levels. We also support the FY17 budget justification request from the USFWS Office of International Affairs (IA) of approximately \$15.8 million. The USFWS IA program supports efforts to conserve our planet's rich wildlife diversity by protecting habitat and species, combating illegal wildlife trade, and building capacity for landscape-level wildlife conservation. Within IA are the Wildlife Without Borders programs that tackle grassroots wildlife conservation problems and we support these programs that conserve several of the world's most iconic species in their native habitats.

While we wholeheartedly support continued funding for the MSCF, we are concerned about past incidents and oppose any future use of funds from these *conservation* programs to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MSCF must be consistent with the spirit of the law.

### **Wildlife Trafficking**

The illegal wildlife trafficking trade has reached a level of global emergency, with impacts on national security, international human rights, and the survival of protected wildlife species. African elephants are especially facing an unprecedented crisis, with one elephant killed every 15 minutes in Africa. The U.S. is the world's second largest market for ivory product sales, behind China. In response to this crisis, the U.S. Fish and Wildlife Service (FWS) issued a proposed rule that will curtail the commercial ivory trade in the U.S. by cracking down on the domestic trade in ivory. In addition, the rule proposes to increase scrutiny of the import of African elephant trophies and to extend Endangered Species Act (ESA) protection to live African elephants in captive facilities in the U.S. Soon after the release of the rule, President Obama and President Xi Jinping of China announced a detailed and shared commitment to ending the global trade in ivory.

In the midst of the current poaching crisis African elephants are facing, it is imperative that the FWS is able to finalize a rule that will curtail the commercial ivory trade in the U.S. We ask that the FY17 Interior, Environment and Related Agencies Appropriations bill not include language that would block further action on this proposed rule.

### **Endangered Species Act**

The Endangered Species Act (ESA) is fundamental to the protection of our globe's most imperiled animals. This law, which is supported by 90% of American voters, has prevented the extinction of 99% of the species under its care, including the bald eagle. Under the ESA, the responsibility to list and delist species lies with federal agencies, which must make these listing decisions based upon the best available science. The authority to make these science-based management decisions should remain with federal agencies.

We ask that the FY17 Interior Appropriations bill exclude any language that prevents federal agencies from making listing or delisting decisions based on sound science, or otherwise undermines the ESA.

Statement of the Institute of Makers of Explosives  
 Submitted by: John Boling, Director of Government Affairs  
 For the Subcommittee on Interior and Environment and Related Agencies  
 United States House of Representatives  
 March 22, 2016

FY 2017 Budget Request for the Department of Interior and Environmental Protection Agency

Interest of the IME

The Institute of Makers of Explosives (IME) was founded in 1913 to provide accurate information and comprehensive recommendations concerning the safety and security of the commercial explosives industry. Our mission is to promote safety, and the protection of users, the public and environment, and to encourage the adoption of uniform rules and regulations in the manufacture, transportation, storage, handling, use and disposal of explosive materials used in blasting and other essential operations.

IME represents the U.S. manufacturers and distributors of commercial explosive materials and oxidizers as well as other companies that provide related services. Millions of metric tons of high explosives, blasting agents, and oxidizers are consumed annually in the U.S. Of this, IME member companies produce over 98 percent of the high explosives and a great majority of the blasting agents and oxidizers. These products are used in every state and are distributed worldwide.

The industry's commitment to being good stewards of the environment is well documented. Managers responsible for operating explosives manufacturing and distribution sites are faced with a surprising number of environmental issues that require knowledgeable and diligent attention. To assist the commercial explosives industry in this area, IME developed a manual of best practices for managers to reference called Safety Library Publication (SLP) 29, *Recommendations for the Environmental Management of Commercial Explosives* (2011). While limited in its scope, IME believes SLP 29 is of assistance to facility managers in crafting and implementing a comprehensive environmental compliance programs for their unique circumstances. IME is in the final steps of updating SLP 29 and expects the new version to be published later this year. This update will serve to provide the latest in best practices and updates on current regulations so that all of our members can be proper stewards of the environment.

With this perspective, IME appreciates the opportunity to comment on the following subjects:

Ammonium Nitrate (AN)

Regarding EPA's implementation of Executive Order (EO) 13650, IME greatly appreciates the recognition by the Subcommittee of the exceptional safety record of the commercial explosives industry in managing AN. To that effect, we are grateful for the inclusion of language in the FY 16 committee report urging the Environmental Protection Agency (EPA) to defer further consideration of including AN under the Risk Management Program (RMP) until the agency

considers whether that approach is necessary. As reflected in the committee report (included below), it is appropriate that EPA should defer its decision making until the Occupational Safety and Health Administration (OSHA) - the agency currently regulating workplace and thus public safety of this material – first determines what action it will take with regard to AN safety.

#### House FY 16 Interior Committee Report

“The Committee understands that EPA is considering whether ammonium nitrate should be included in its Risk Management Plan (RMP) regulations. Ammonium nitrate safety has been regulated since 1971 under standards promulgated by OSHA, and the Committee is aware that OSHA is in the process of determining whether these standards need to be updated or whether other approaches to ensure ammonium nitrate safety are necessary. The Committee believes that OSHA’s actions are critical to informing EPA decision making, and, therefore, urges EPA to consider the approach OSHA takes to ensure the safety of ammonium nitrate prior to making a determination regarding the need for RMP standards for ammonium nitrate.”

We are pleased to report that the EPA has followed the Subcommittee’s direction and has deferred moving forward with plans to regulate AN under the RMP standard until OSHA acts on the issue. OSHA has announced that it will initiate a Small Business Regulatory Enforcement Fairness Act (SBREFA) review on Risk Management Program Modernization, and expects to conclude the process in 2016. The SBREFA process will afford OSHA greater understanding of how different courses of action could impact small businesses and the potential safety improvements associated with those actions.

#### EPA’s Local Emergency Planning Committees (LEPC)

*IME requests that the committee support the \$23.7 million budget request for EPA’s State and Local Prevention and Preparedness program, which represents an \$8.4 million increase over the agency’s FY 2016 appropriation.<sup>1</sup>*

The Emergency Preparedness and Community Right-to-Know Act of 1986 was created to help communities plan for emergencies involving hazardous chemicals. It envisioned a seamless safety net of LEPCs established by states and Indian tribes that would ensure community engagement and chemical industry participation. Since that time, EPA has conducted two assessments of the program, in 1999 and 2008, and both have shown the implementation of the program to uneven at best. More recently, the tragic 2013 industrial incident at West, TX revealed again EPA’s lack of attention and leadership in using this program to better safeguard communities. As a result, EO 13650 has called for the agency to revitalize the LEPC program.

The funding request is more important this year than in the past. Historically, significant funding for this program has come from registration fees assessed by the U.S. Department of Transportation (DOT) on shippers and carriers of hazardous materials. The 2015 Fixing America’s Surface Transportation Act (FAST Act) made important changes to how registration

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<sup>1</sup> FY 2017 EPA Budget Estimate, page 50.

fees may be used by states. Since 1990, DOT has allocated registration funds to states for hazmat training and planning. Planning funds were provided to State Emergency Response Commissions (SERC) with a 75 percent pass-through requirement to LEPCs. The FAST Act removes DOT discretion to allocate these funds and it removed the 75 percent pass-through. In short, DOT's annual \$8.15 million set-aside to fund SERCs and LEPCs will still be provided to states, but states will have unfettered discretion about whether to use those funds for emergency responder training or for planning. Many believe that states will choose to direct the majority of these funds to training purposes. These FAST Act changes underscore the need for EPA to take responsibility to fully-fund its LEPC program. The additional \$8.4 million request for this program is warranted.

USGS Minerals Resource Program, Minerals Information Program (MIP)

*IME requests the committee support the USGS budget request for the MIP of \$15.4 million.<sup>2</sup>*

The Minerals Information dataset one of the longest running data sets in the Federal Government. It provides critical information to a number of important public sector entities as well as the private sector. No other entity has the capability, integrity, or objectiveness to produce the broad data sets that are now produced by the MIP. According to the USGS, in 2016, and on a continuing basis, MIP mineral economists and minerals information specialists will provide minerals information to other Federal agencies, including the U.S. Census Bureau, the Department of Defense, the Federal Reserve Board, and the Office of the U.S. Trade Representative.<sup>3</sup>

IME works with the MIP to produce the Explosives Commodity Report. IME collects information for the report from the commercial explosives industry as a public service because the USGS has proven to be a trusted partner in ensuring that commercially-sensitive data is not disclosed. The completed report provides business intelligence unavailable elsewhere, to stakeholders inside and outside of government.

As stated by USGS,

“In 2017, the National Mineral Information Center (NMIC) will continue to provide hundreds of reports such as the Minerals Commodity Summaries, the Minerals Yearbook, the Mineral Industry Surveys, Metal Industry Indicators, and the Nonmetallic Mineral Products Industry Indexes. These and other MIP information products, along with sound analysis from minerals and materials analysis specialists and program scientists, allow for decision makers and stakeholders to better understand the changes and importance of mineral resource production, consumption, and use. The NMIC will continue to provide high quality information and analysis that informs Federal critical minerals policy and is of paramount importance to U.S. national security and trade interests.”<sup>4</sup>

<sup>2</sup> 2017 USGS Budget Justification, page H-22.

<sup>3</sup> 2017 USGS Budget Justification, page H-24

<sup>4</sup> 2017 USGS Budget Justification, page H-25.

Clearly, it is in the interest of the nation and other stakeholders for the U.S. Congress to fund the Minerals Information Program at the requested level.

Thank you for your consideration of our requests.

**Statement of Gregory E. Conrad on behalf of the Interstate Mining Compact Commission re the FY 2017 Proposed Budget for the Office of Surface Mining Reclamation and Enforcement before the House Interior Appropriations Subcommittee -- March 14, 2016**

My name is Gregory E. Conrad and I serve as Executive Director of the Interstate Mining Compact Commission. I appreciate the opportunity to present this statement to the Subcommittee regarding the views of the Interstate Mining Compact Commission's 25 member states on the Fiscal Year (FY) 2017 Budget Request for the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior. In its proposed budget, OSMRE is requesting \$65.5 million to fund Title V grants to states for the implementation of their regulatory programs, a reduction of \$3.1 million below the FY 2016 enacted level. OSM also proposes to reduce mandatory spending for the abandoned mine lands (AML) program by \$61 million pursuant to a legislative proposal to eliminate all AML funding for certified states and tribes.

The Compact is comprised of 25 states that together produce some 95% of the Nation's coal, as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSMRE has projected an amount of \$65.5 million for Title V grants to states in FY 2017, an amount which is matched by the states. These grants support the implementation of state regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs. Pursuant to these primacy programs, the states have the most direct and critical responsibilities for conducting regulatory operations to minimize the impact of coal extraction operations on people and the environment. The states accomplish this through a combination of permitting, inspection and enforcement duties, designating lands as unsuitable for mining operations, and ensuring that timely reclamation occurs after mining.

In Fiscal Year 2016, Congress approved \$68.6 million for state and tribal Title V grants pursuant to the Omnibus Appropriations bill.<sup>1</sup> This continued a much-needed trend whereby the amount appropriated for these regulatory grants aligned with the demonstrated needs of the states. The states are greatly encouraged by the amount approved by Congress for Title V grant funding over the past several fiscal years. These grants had been stagnant for many years and the gap between the states' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining state efforts to realize needed program improvements and enhancements and jeopardizing their efforts to minimize the potential adverse impacts of coal extraction operations on people and the

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<sup>1</sup> In approving this amount for state grant funding in FY 2016, Congress noted that: "The Committees find the budget proposal to reduce regulatory grants would undermine the State-based regulatory system. It is imperative that States continue to operate protective regulatory programs as delegation of authority to the States is the cornerstone of the surface mining regulatory program."

environment.

In past budget requests, OSMRE displayed a pattern of proposing inadequate funding for state Title V regulatory programs. Congress consistently rejected the proposed reductions and funded the programs at amounts that more closely aligned with the states' projected needs. OSMRE's FY 2017 budget proposal reflects a better understanding of the importance of adequately funding state regulatory programs and thus represents a welcome departure from previous years.

While the states are appreciative of OSMRE's apparent change of direction, the amounts proposed will still inhibit the states' ability to operate at optimal levels. The Title V grant amount proposed by OSMRE is \$3.1 million less than the 2016 enacted level. As a rationale for the reductions, OSMRE asserts that states have recently returned an estimated \$3 million of annually appropriated funds and that any shortfalls in FY 2017 can be covered by the carryover from previous fiscal years. While the states understand OSMRE's position, we believe this plan to be shortsighted in that it fails to consider the improving fiscal conditions in many states and the damaging precedent set by appropriating suboptimal grant amounts. Furthermore, there is no guarantee that these carryover funds will be available into the future or that they would not be reprogrammed for other purposes.

It should be kept in mind that, given fiscal constraints on state budgets from the downturn in the economy, some states have only recently been able to move beyond hiring and salary freezes and restrictions on equipment and vehicle purchases, all of which have inhibited the states' ability to spend all of their federal grant money in recent years. With many states now recovering enough to utilize their full grant amount, it is imperative that funding be maintained at the current level of \$68.6 million. Any supplemental increases for tribal primacy programs would need to be in addition to that amount.

Clear indications from Congress that reliable, consistent funding will continue into the future has done much to stimulate support for these programs by state legislatures and budget officers who, in the face of difficult fiscal climates and constraints, have had to deal with the challenge of matching federal grant dollars with state funds. This is particularly true for those states whose match is partially based on permit fees from the mining industry, where significant reductions in permitting activity translate to fewer permit fees. Recall that any cut in federal funding generally translates to an **additional** cut of an equal amount for **overall** program funding for many states, especially those without federal lands, since these states can generally only match what they receive in federal money.

At the same time that OSMRE is proposing cuts for state programs, the agency is proposing sizeable increases for its own program operations (almost \$12 million), including an increase of 27 full time employees. In making the case for its funding increase, OSMRE's budget justification document contains vague references to the need "to improve the implementation of existing laws." More specifically, OSMRE states in its budget justification document that "with this increase, OSMRE anticipates improved evaluation and resolution of issues to prevent unanticipated situations that otherwise may occur as operations progress, thereby improving

implementation of existing laws” (pg. 60 - 61). OSMRE goes on to highlight its expertise in technical assistance and training, which the agency asserts is needed “to maintain program effectiveness.” In a twist from previous years, OSMRE then parses its funding request between program enhancement and NEPA compliance (\$2.7 million and 9 FTEs) and technical support (\$9 million and 18 FTEs).

In our view, this is code language for enhanced and expanded federal oversight of state programs and reflects a move by OSMRE to exert a more direct role in state programs, especially regarding permitting decisions, thereby weakening state primacy. Without more to justify the need for additional oversight and the concomitant increase in funding for federal operations related thereto, Congress should reject this request. Based on our experience with program operations, some of the very areas OSMRE identifies as reasons for its proposed funding increase are either dependent on state involvement (training) or have seen little in the way of progress over the years (state program amendment review and approval). Specific program areas where OSMRE intends to provide its expertise and assistance are often also reliant upon or must defer to state experience including blasting and bonding.

The overall performance of the states as detailed in OSMRE’s annual state program evaluation reports and the fact that nationwide, 89 percent of the sites inspected did not have off-site impacts, demonstrates that the states are implementing their programs effectively and in accordance with the purposes and objectives of SMCRA.<sup>2</sup> In our view, this suggests that OSMRE is adequately accomplishing its statutory oversight obligations with current federal program funding and that any increased workloads are likely to fall *upon the states*, which have primary responsibility for implementing appropriate adjustments to their programs identified during federal oversight.

To the extent that OSMRE seeks to enhance state primacy, we would support a renewed focus on processing state program amendments. Additionally, if OSMRE is looking for ways to improve and enhance the overall implementation of SMCRA at both the state and federal level, we would urge the agency to move forward with the findings and recommendations of the Government Efficiency Work Groups that spent considerable time and effort throughout 2014 to, among other things, address the continuing fiscal impacts on program implementation and develop workable solutions. While OSMRE mentions the work of this state/federal initiative in its Budget Justification document (pg. 9 - 10), there has been little movement to follow up on this excellent work since the submission of the Work Group reports in July of 2014.

For all the above reasons, we urge Congress to approve not less than \$68.6 million for state and tribal Title V regulatory grants, the same amount enacted by Congress over the past few fiscal years. In doing so, Congress will continue its commitment to ensuring the states have the resources they need to continue their work on the forefront of environmental protection and preservation of public health and safety.

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<sup>2</sup>The Congress agreed with this assessment when it commented as follows on OSM’s proposed increase in FY 2016: “The [Omnibus Appropriations] agreement does not provide funds to expand and enhance Federal oversight activities of State programs.”

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, the states and tribes should receive \$235 million in FY 2017. In its FY 2017 proposed budget, the OSMRE is requesting \$375 million for state and tribal AML grants, an increase of \$140 million. This increase is based on five legislative proposals, the first of which would eliminate funding to states and tribes that have “certified” completion of their highest priority abandoned coal reclamation sites (a reduction of \$61 million in FY 2017); the second of which would return the AML reclamation fee paid by coal operators to pre-2006 levels; the third of which would establish a hardrock AML fee and accompanying program; the fourth of which would provide enhanced payouts to the United Mine Workers Retirement Funds, and the fifth of which would accelerate the distribution of grant funds for a portion of the remaining unappropriated balance in the AML Trust Fund to “facilitate sustainable revitalization” in addition to cleanup and redevelopment of eligible lands and waters (an additional \$200 million in FY 2017).

With regard to this latter proposal, while the states are supportive of the spirit of the proposal and have in fact designed many projects around these types of purposes using local contractors whenever the opportunities and partnerships exist, we cannot support a programmatic change of this magnitude without a better understanding of the specifics of how it will be implemented. The success of such an endeavor, as well as the states’ support for it, is highly dependent on robust consultation between OSMRE and state AML Program Managers. At this juncture, the states are concerned that the proposal could have negative ramifications for the overall remediation of AML hazards and thus public health and safety. Depending on how the proposal is implemented, the addition of “economic eligibility factors” to existing site selection criteria could potentially divert some amount of funding away from the highest priority AML sites (including emergencies). Please keep in mind that the \$1 billion of AML Trust Fund money which would be repurposed by the proposal is already slated for dispersal to the states under the current allocation system and site prioritization method ordained by Congress in the 2006 amendments to SMCRA. We also believe that the \$90 million pilot project approved by Congress for FY 2016 should be allowed to play out before committing to a larger economic development program.

OSMRE’s budget proposal also includes a legislative proposal which would require a massive transfer of \$363.4 million from the Treasury to various components of the UMWA Health and Retirement Funds. The states recognize the importance of this issue and are supportive of efforts to ensure the long-term solvency of the UMWA Pension Funds. However, the states believe that this issue should be pursued as part of a more comprehensive reauthorization package given the overall implications for the AML program.

We appreciate the opportunity to submit this statement on the Office of Surface Mining’s proposed budget for FY 2017. We also endorse the statement of the National Association of Abandoned Mine Land Programs (NAAML), which goes into greater detail regarding the implications of OSMRE’s funding and legislative proposals for the states and tribes related to the AML program. We would be happy to answer any questions.

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TESTIMONY OF MELANIE BAHNKE, PRESIDENT, KAWERAK INC.

HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
HEARING ON THE FY2017 BUDGET  
MARCH 17, 2016

Chairman Calvert, Ranking Member McCollum, distinguished members of the Subcommittee, thank you for the opportunity to provide testimony for the record. My name is Melanie Bahnke and I serve as President of Kawerak, Inc., a consortium of twenty tribal governments in the Bering Strait region operating under a tribal self-governance compact agreement with the Bureau of Indian Affairs. Kawerak delivers services ranging from childcare to roads construction. I am providing testimony on the Bureau of Indian Affairs and Indian Health Service accounts. To understand our budget requests, let me provide explanation and context as to why these essential government services are so very critical to the health and well being our communities.

The Bering Strait region has roughly 10,000 residents located in 15 villages and the economic hub community of Nome. Our communities are culturally and linguistically diverse, with Yupik, Siberian Yupik, and Inupiaq Alaska Natives comprising about 75% of the population. Communities in our region continue to live our traditional way of life reliant on hunting and fishing. We are witness to the largest marine mammal migration from the Pacific to the Arctic Ocean of walrus, seals, and whales, as well as hundreds of caribou and birds that migrate within the region that have provided our communities with traditional wealth.

While our region is rich with culture, we face some of the most challenging economic, educational and social conditions not only within Alaska, but within the United States. The Bering Strait region has an official unemployment rate of 13%, more than double the state-wide unemployment rate of 5%, according to the Alaska Department of Labor. In our region the poverty rate is 27% according to five year data provided by the American Community Survey, 2010-2014. The per-capita income of Alaska Natives in our region is \$12,544 compared to the white population's average income of \$46,582. The young men in our region have the highest suicide rate in the United States, with a lack of employment in our communities, and 51% of adult women have experienced intimate partner domestic violence or sexual violence, sometimes both in their lifetime.

With programs ranging from education, transportation, natural resource management and economic development, Kawerak works to advance the quality of life in our communities to improve the region's social, economic, educational, cultural and political conditions. In the spirit of tribal self-determination, we know that our tribal governments are best poised to serve our communities. It is with your commitment and support that we are able to elevate families out of

poverty, while honoring our cultural identity. The following are issues we submit for this Subcommittee's consideration with respect to the FY2017 budget:

#### WATER & SEWER

Addressing the issues of housing, and sewer and water in our communities remains a top priority. While funds are needed for first time service, operations and maintenance funds are also needed for infrastructure improvements. Five villages within the Bering Straits region remain without basic running water and sewer: Diomedes, Wales, Shishmaref, Stebbins and Teller. In three other communities 30% to 50% of the homes in the community still need to be connected: Golovin, Gambell and St. Michael. Ongoing sewer and water upgrades and maintenance remain concerns in the remaining 7 communities of Elim, Koyuk, Savoonga, Shaktoolik, Unalakleet, White Mountain and Brevig Mission.

Within the Indian Health Service budget, in partnership with our sister organization, Norton Sound Health Corporation, we support adequate funding to address sewer and water needs from the following tribal programs that allow us to address this very basic human need:

- Indian Health Service Sanitation Facilities Construction: we support the President's budget request of \$103 million, a \$3.6 million increase over FY2016.
- EPA Alaska Native Village Grant Program: while we appreciate the President's budget request of \$17 million, an increase over previous year's requests of \$10 million, we urge this Committee continue with \$20 million achieved in last year's FY2016 appropriations.

Within our region water and sewer needs total \$178.7 million dollars. Our communities are ranked and scored within the Indian Health Service Sanitation Deficiency System, which totals \$1.3 billion in the State of Alaska, meaning some of our communities will wait decades to receive adequate service. Kawerak urges that this Committee, as well as the Committees of jurisdiction, explore ways to reduce regulatory hurdles involved with using multiple federal programs to ensure that we will not wait another generation to deliver basic human services to our communities.

#### TRIBAL GOVERNMENT OPERATIONS

We appreciate the President's increase in funds for the operation of our tribal governments in our communities. The President intends to provide base funding of \$135,000 for tribes in the lower 48, and \$155,000 for tribes in Alaska. We urge this subcommittee to examine the fair distribution of the Small and Needy Tribes account. The last thorough review of the program was the 1994 BIA Budget Task Force, which included a recommendation that Small and Needy tribes in Alaska receive a base amount of \$200,000 to address population and inflation adjustments. This base amount was never implemented. We urge that at a minimum this \$200,000 recommendation be met, with the President's increased budget request.

For example, Kawerak's internal budget analysis over the 10 year time frame, between 2000, and 2009 found that total BIA funding had decreased by 22.3 % and the consumer price index for Anchorage, the only CPI index kept in Alaska, increased 22.8% during the same time period. Furthermore, the cost of living differential is often 150 percent higher in rural Alaskan

communities then in Anchorage. During that same time period, our tribal member service population increased by 10%. The cumulative effects of BIA Small and Needy tribes leaves tribes in our rural villages grossly underfunded in addressing the growing needs of their populations.

For tribal self-determination to be fully utilized, our tribal governments must be adequately funded to provide basic government services at the community level.

#### CONTRACT SUPPORT COSTS

Kawerak appreciates the strong work of this Subcommittee to address the issue of contract support costs shortfalls. We appreciate your continued commitment to the spirit of tribal self-determination that Presidents Nixon and Reagan pioneered roughly 40 years ago. Contract support costs are truly the backbone in which tribes can carry out the work of the federal government. We believe that tribes who are closest to their members can address the most pressing needs that our nation's first peoples face.

We support the President's request of an appropriation of "such sums as may be necessary," however, we strongly oppose a new proviso that the President has included in his FY2017 budget which states, "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years."

This language will severely impact Kawerak and its operation of federal tribal programs. It will result in a loss of funds required to administer programs and services, and could also result in a reluctance to carry forward funds needed for continuing projects due to loss of contract support cost funding. We believe that this will undermine all the good work that this Subcommittee has done to support tribal self determination. We urge this Subcommittee to strike the proviso from the President's budget request, and to do so retroactively to 2016, to ensure that the proviso does not apply to funds that may be carried forward from 2016.

Denying contract support costs for any funds obligated to a tribe or tribal organization, whether expended or not in the current fiscal year, is contrary to Congress' intent to ensure tribes and tribal organizations are fully compensated for contract support costs. Often, tribes and tribal organizations do not receive their full base funding for the year until later in the fiscal year. There are also other reasons why base funding may be carried forward from one fiscal year to another. Regardless of the reason, Tribes and tribal organizations should not be punished for carrying forward funding by being denied the contract support costs associated with fulfilling their agreements with the federal government.

#### HOUSING

Finally, Kawerak supports the President's budget request of \$9.7 million for the BIA housing program over the FY2016 enacted of \$8 million. Our population of 10,000 in the region

continues to grow at roughly 10-20% every decade according to the U.S. census, and housing construction has not kept up with population growth.

Over 20% of homes in the Bering Strait region are overcrowded with multiple families or multiple generations living under one roof, according to a 2014 survey by the Association of Alaska Housing Authorities (AHAA). The community of Savoonga, for example, faces the highest over crowding rate of any census area at 61%.

If adequately funded, it would help renovate substandard homes for families in the region. According to the American Community Survey, approximately 24% of households in the region spend 30% or more of total income on housing costs including rent, water and sewer utilities, and energy costs. According to the 2014 AAHA survey, the Bering Straits region has the least energy efficient homes in the State, while our communities experience sub-Arctic winter temperatures.

Kawerak continues to work with our regional housing authority, funded by the Indian Housing Block Grant to address the housing crisis in our region, and these BIA housing funds are critical to providing families with a healthy home. Funding for sewer and water programs is also a critical component for housing construction, as sewer and water construction adds roughly \$40,000-\$60,000 to the cost of a new home. In our rural communities the complete cost could range between \$600,000 to \$1 million depending on community infrastructure. We urge this Subcommittee to adequately fund the BIA housing account, and ensure its distribution between tribes across the country is geographically fair.

I appreciate the opportunity to provide testimony on behalf of the tribal leaders in this region. In closing I would like to express my thanks to this Subcommittee for always upholding the federal trust relationship our nation has with its first peoples. I appreciate your commitment to addresses these very tough issues, to ensure that our tribal members may strive for the American dream.

# League of American Orchestras

**Testimony in Support of FY 2017 Funding for the  
National Endowment for the Arts  
Submitted to the House Interior, Environment, and Related Agencies  
Appropriations Subcommittee**

**Jesse Rosen, President and CEO  
League of American Orchestras  
March 15, 2016**

The League of American Orchestras urges the House Interior, Environment, and Related Agencies Appropriations Subcommittee to support Fiscal Year 2017 funding for the National Endowment for the Arts (NEA) at a level of \$155 million. We are pleased that Congress showed strong bi-partisan support for the agency by approving a \$2 million increase for its FY 2016 appropriation, and we ask for further support so the agency can help more communities fulfill the NEA's mission to provide all Americans with diverse opportunities for arts participation.

The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of more than 2,000 organizations and individuals across North America runs the gamut from world-renowned symphonies to community groups, from summer festivals to student and youth ensembles, from conservatories to libraries, from businesses serving orchestras to individuals who love symphonic music. Orchestras unite people through creativity and artistry, contribute to civic vitality, and educate young people and adults. The League is committed to helping orchestras engage with their communities, and the NEA plays an invaluable role through its direct grants, federal/state partnerships, and research on trends in public participation and workforce development.

An NEA grant affirms an organization's contributions to our nation's artistic vitality. The capacity of orchestras to present nationally recognized programs is highly valued by communities of all sizes, in part because NEA grants awarded through the competitive process leverage additional funding from state, local, and private sources. In Fiscal Year 2015, the NEA's Grants to Organizations included 102 direct grants to orchestras in the *Art Works* and *Challenge America* categories, and from the current fiscal year, the following ten awards, totaling \$267,000 in support, offer a sampling of the high quality, unique opportunities communities are able to enjoy with NEA support.

**NEA funding broadens access for underserved communities**

In partnership with the organizations it supports, the NEA is dedicated to improving public access to the arts. The *Challenge America* grant category offers support primarily to small and mid-sized organizations for projects that extend the reach of the arts to underserved populations

— those whose opportunities to experience the arts have been limited by geography, economics, or disability. *Challenge America* grantee **Northwest Symphony Orchestra** will present a concert and related educational programming with a focus on Northwestern classical composers and musicians. Koichiro Yamamoto, principal trombonist of the Seattle Symphony Orchestra, will perform for the public, as well as participate in Symphony for Students, the orchestra's program serving low-income students in South King County. Yamamoto will lead master classes for underserved youth, and orchestra musicians will visit ten schools to provide clinics and master classes to more than 200 students in the Highline School District. Youth participants will also receive free tickets to attend the public performance at the Highline Performing Arts Center, which will include music by Northwest composers Samuel Jones and Sumi Tonooka.

The **Great Falls Symphony** will use its *Challenge America* grant to produce performances, a public post-concert question-and-answer session, and various activities featuring pianist Sean Chen and one of the symphony's resident string ensembles, the Cascade Quartet. In addition to the main performance, Chen and the Cascade Quartet will participate in concerts and lead master classes for rural high school students. Further broadening their reach, they will perform in a concert preview that will be aired on Montana's public radio station as well as perform during an open rehearsal for local piano students and piano teachers. With just two full-time and two part-time staff, and three conductors, the orchestra and its musicians present a wealth of services to their community each year, from coaching sessions to education concerts in schools across Montana, as well as mainstage concerts. Great Falls Symphony also includes a youth orchestra and the Chinook Winds quintet, which performs throughout the country.

#### **The NEA is committed to artistically rich youth development opportunities**

Many of the NEA's grants directly support programs involving the development of young artists and musicians, such as an *Art Works* grant to support the **Boston Youth Symphony Orchestras'** Intensive Community Program (ICP). This rigorous string instrument training program began in 1998 to serve inner-city youth by offering weekly music lessons, ensemble classes, instrument rentals, and performance opportunities to students who are exceptionally interested in music but are faced with financial and/or cultural barriers to participation. After a few years of intensive study, ICP students are prepared to pass the audition into the youth symphony's entry-level orchestra. Historically, 98% of ICP students successfully audition into the highly competitive BYSO orchestras; once admitted, ICP students receive a tuition subsidy, weekly lessons, use of an instrument, and ongoing mentorship until they graduate high school. The BYSO, with a staff of 12 full-time and 24 part time employees, prides itself on the ICP having provided this deep and focused experience to more than 150 students, with 100% of its graduates going on to college.

On the opposite coast, similarly rich and intensive youth development is offered by the **Youth Orchestra of Los Angeles at Heart of Los Angeles** (YOLA at HOLA). This after-school music program, in partnership with the Los Angeles Philharmonic, is inspired by the Venezuelan El Sistema movement and, with NEA support, provides free instruments, ensemble-based classical music instruction, and performance opportunities to underserved and at-risk

youth, ages 6-18, in central Los Angeles. YOLA at HOLA students participate in up to 15 hours each week of sectional, ensemble, and orchestra rehearsals, specialized music classes, community performances, academic tutoring and intervention, and wrap-around support. YOLA at HOLA is led by a knowledgeable and passionate corps of 19 music educators who teach and mentor HOLA's students and contribute to an international conversation about high-intensity music education. Through HOLA's and the LA Philharmonic's partnership with the Longy School of Music of Bard College's Master of Arts in Teaching program, the next generation of music educators also hone their skills in YOLA at HOLA's classrooms.

**The NEA supports celebrating the arts and our natural resources**

The **St. Louis Symphony Orchestra (SLSO)**, employer of 93 musicians and 61 full-time staff, won an "Imagine Your Parks" grant in this year's joint celebration of the NEA's 50th anniversary and the centennial of the National Park Service. SLSO paired French composer Olivier Messiaen's "Des canyons aux étoiles... (From the canyons to the stars...)" with visual imagery by photographer Deborah O'Grady. Programming explored the relationship between art and nature, incorporating images of the National Parks that inspired the composer for the original 1971 commission to celebrate the bicentennial of the United States. O'Grady literally followed in Messiaen's footsteps to capture the breathtaking images from Cedar Breaks, Zion, and Bryce Canyon, among other locations. The cross-disciplinary concerts were presented in St. Louis, and then in Berkeley and Los Angeles as part of the SLSO's four-city California tour.

The **Boulder Philharmonic**, which employs 73 musicians and a staff of eight people, is using its "Imagine Your Parks" grant to commission and premiere a new orchestral work by composer Stephen Lias, which will accompany projected images that showcase Rocky Mountain National Park. Concerts will take place in Boulder, Colorado, as well as at the Kennedy Center in Washington, D.C. next spring as part of the SHIFT Festival of American Orchestras. Ancillary events in both Colorado and D.C. will include interpretive musical hikes and public talks featuring the composer that examine the national parks legacy through a musical lens. For the inaugural SHIFT Festival, the Boulder Philharmonic is one of four orchestras, with each participant presenting education events, symposia, and community events in venues around Washington, D.C., along with full-orchestra performances in the Kennedy Center Concert Hall.

**NEA funding supports bringing world-class artistry to communities**

With the help of an *Art Works* grant, The **Saint Paul Chamber Orchestra** – comprising 38 full-time and 6 part-time staff members, and 26 full-time musicians – will present contemporary works by an international array of composers such as George Crumb, Bryce Dessner and Nico Muhly (U.S.), Georges Enesco (Romania), Sir Michael Tippett (U.K.), Erkki-sven Tuur (Estonia), and Alberto Ginastera, Mauricio Sotelo and Manuel De Falla (Spain). The orchestra's three-week performance project will feature guest artists Finnish violinist Pekka Kuusisto, Moldovan violinist Patricia Kopatchinskaja, Spanish mezzo-soprano Nerea Berraondo, and Spanish Flamenco dancer Rubén Olmo, and the project will be highlighted by the world premiere of Mauricio Sotelo's *Red Inner Light Sculpture*, a new work for solo violin, strings,

and Flamenco dancer. Several pre-concert educational lectures will be offered as well, to provide audiences with additional context for and deeper engagement with the programming.

The **Louisville Orchestra**, with a staff of approximately 21 employees and 55 full time musicians, will use its *Art Works* support to bring exceptional guest artists for a three-week Festival of American Music created, curated, and conducted by music director, Teddy Abrams. The Festival will feature the orchestra alongside artists from across the country, encompassing a variety of musical genres including jazz, contemporary, popular music, and local music of the Kentuckiana region. The Festival will include concert previews before each show addressing the role of American orchestras and composers in the 21<sup>st</sup> century, as well as several community engagement events with schools and local businesses. The final week of the festival will include a world premiere of a piano concerto by Chase Morrin, featuring the composer as soloist.

Showcasing the world-class musicianship of their home state, the **Eugene Symphony** will utilize its *Art Works* grant to present a series of new composition, performance, and mentorship opportunities for Oregon composers. In celebration of its 50th anniversary, the Eugene Symphony – which employs seven full-time and four part-time staff, and 83 part-time musicians – will present the world premiere of a new piano concerto by Oregon composer Robert Kyr featuring Eugene-based pianist Alexandre Dossin. Kyr is also planning an integrated composition project for high school and graduate students, which will culminate in the creation of an orchestral theme and variations based on “Ode to Joy” from Beethoven’s Ninth Symphony. The premiere of the jointly composed work will take place on a regular subscription program and for students at a youth concert in November 2016.

Celebrating both local and international talent, the **Dallas Symphony Orchestra** received *Art Works* support for world premieres of works by two celebrated American composers, Jeremy Gill and Christopher Rouse. Gill’s composition is written for the Dallas Symphony Orchestra’s principal oboe Erin Hannigan, while Rouse’s composition is a co-commission led by the Dallas Symphony Orchestra and shared with the Aspen Music Festival and the Nashville Symphony. Educational activities include participation by the composers in workshops, master classes, and school programs. Both works will be conducted by Jaap van Zweden, music director of the orchestra, which employs 65 full-time and 20 part-time staff, and 91 musicians.

Thank you for this opportunity to convey the tremendous value of NEA support for the communities served by orchestras throughout our country. Orchestras provide countless innovative collaborations, thoughtful programming for underserved communities, and lifelong learning opportunities in service to adults and children from all walks of life. As orchestras continually strive to bring the power and benefits of music to more people, we applaud the NEA’s national leadership in promoting excellence and engagement with high quality artistry. Advancing the highest expectations for accessibility and artistry are among the strongest arguments for a federal role in support of the arts, therefore we urge you to increase creativity and access to the arts by approving \$155 million in funding for the National Endowment for the Arts in FY 2017.

**Statement of Assistant Chairman Roy Cypress, Miccosukee Tribe of Indians of Florida  
House Interior Appropriations Subcommittee  
March 17, 2016**

My name is Roy Cypress, and I am the Assistant Chairman of the Miccosukee Tribe of Indians of Florida (Tribe). Thank you for the opportunity to provide testimony on the Everglades – the homelands of the Miccosukee people. My testimony focuses on the Tribe’s priorities for Everglades restoration and the protection of our traditional ways of life.

The Tribe strongly urges that there be a comprehensive approach to restoration that focuses on improving water quality throughout the Everglades before it is forever damaged. Unfortunately, we have seen a disjointed, compartmentalized approach to Everglades restoration that has not worked, resulting in continuing deterioration of the Everglades ecosystem, continuing harm to our culture and traditions, and wasted effort and resources. In particular, the Tribe’s lands, in Water Conservation Area 3A (WCA 3A), are under threat due to: (1) the poor water quality of the L-28 canal system that dead ends on the Tribe’s Federal Reservation (Reservation) in the Everglades and dumps water that can exceed 10 times the U.S. EPA approved standard for phosphorous in the Everglades; and (2) the inability to properly manage water levels throughout the Everglades resulting in the flooding of our lands, including our homes and tree islands, due to water quality issues and downstream flooding. In addition, the Tribe continues to see and oppose proposals that would harm our lands and the Everglades in the name of “progress” like the River of Grass Greenway proposal to build a bike trail through the Everglades and proposed fracking for oil and gas development in the Big Cypress National Preserve.

I want to thank the Subcommittee for taking important steps on water quality in recent Appropriations bills, including the FY14 Omnibus and the FY15 Omnibus, that urged the Department of the Interior (DOI) to work with the Tribe on water quality on our lands and the FY16 Omnibus that directed DOI to work with the Tribe and relevant federal agencies to develop a range of options to address the water quality problems of the L-28 canal system (L-28). **The Tribe respectfully requests that the Subcommittee continue to urge DOI to work with the Tribe to find solutions so that the water quality in L-28 meets Tribal standards that will benefit the entire Everglades ecosystem.**

The Tribe strongly opposes the National Park Service’s (NPS) continued efforts to construct a series of massive skyway bridges on the Tamiami Trail (Trail) including the currently proposed 2.6-mile bridge that is estimated to cost \$144M (previously estimated at \$193M in FY15 Budget) because: (1) the bridges are not and will not be permitted to operate as designed due to flooding and water quality concerns; (2) wetlands connectivity will not be achieved because the levees to the north will not be removed, keeping water levels unnaturally high in WCA 3; and (3) there already exists a 1-mile bridge and a series of culverts and gates that could effectively deliver water, as they are doing so this year during the current high water season, if properly maintained - at a fraction of the cost of expensive and unnecessary skyway bridges.

For hundreds of years, the Everglades have been our home. The Everglades was our refuge as we evaded removal to the west. For generations, the land and the waters of the Everglades have sustained our people. We have always sought to honor and protect our environment through

responsible stewardship of the land. However, after years of environmental degradation caused by others, our way of life has been irreversibly affected. Because we are the people most impacted by the health of the Everglades, the Tribe has always fully supported restoration efforts of the Everglades. The Tribe was deeply engaged in the development of the Comprehensive Everglades Restoration Plan (CERP) and supported its passage by Congress as part of the Water Resources Development Act (WRDA) of 2000. We have consistently advocated for true restoration of the Everglades through a holistic approach focused on improving the quality of the water first. While Congress has devoted significant financial resources to Everglades restoration, efforts have been piece-meal and have lacked coordination or follow through to completion, leaving many projects uncompleted even after millions of federal dollars were spent on them. For example, water quality in the Western Everglades, including L-28, has not been addressed in any meaningful way. Instead, projects that do not address water quality and are not even part of the original CERP have moved forward in a seemingly arbitrary way.

One such project is the skyway bridging of the Trail. Over the last decade, there have been multiple plans and attempts to build these bridges, over the Tribe's strong objections, through previous appropriations bills authorizing bridging projects and circumventing proper regulatory and legislative procedure. The FY09 Omnibus included a provision directing construction of a one-mile bridge by NPS "notwithstanding any other provision of law" to override a federal court order ceasing bridge construction based upon a lawsuit filed by the Tribe. The FY12 Omnibus authorized NPS to construct an additional 5.5 miles of skyway bridging. With the 1-mile bridge completed in 2013, the Subcommittee has since then limited appropriations for additional bridging. **We deeply appreciate these actions by the Subcommittee.**

Since the completion of the first 1-mile of bridging in 2013, water has begun to flow from the L-29 canal (which runs parallel to the Trail) into Everglades National Park (Park). (Although built to increase "ecological connectivity", the bridge does not actually connect the Park to the Water Conservation Areas to the north, but rather to the L-29 canal.) However, significantly more water does not and cannot flow into the Park until the level of the L-29 canal is raised to allow more water to "spill" into the Park, which will not happen for over a decade at the earliest. As noted by the National Academies of Science in its *Fifth Biennial Review (2014)*, "There are several unfinished features of Mod Waters and unresolved issues, however, that must be addressed before the project can be operated to deliver ecosystem benefits." The State will not permit the water level in the L-29 canal to be raised to 8.5 feet because there is no operational plan due to effects of downstream flooding to neighboring residential areas and potential for water quality violations.

The additional bridging project plan cited the need for several flowage easements on privately held property within the Park that would be considerably affected by increased water flow. The Park has failed to resolve these issues or negotiate the required flowage easements. *Building a second and larger bridge before resolving the realty issues is irresponsible.* In addition, significant flooding concerns for communities in western Dade County remain due to the seepage of water brought on by the increased water flowing into the Park. Seepage management projects that are designed to prevent the eastward seepage of water out of the Park are not completed and untested. Under the best case, a significant amount of water is lost to the L-31N canal on the eastern side of the Park and then has to be pumped back into the L-29 canal and

ultimately into the Park again in a circular flow pattern. That is not restoration; instead, this is wasted effort. *The effectiveness of the 1-mile bridge and the ability of the seepage management projects to provide flood protection should be evaluated before building other costly bridges.* Most significantly, the Florida Department of Environmental Protection (FDEP) will not permit an operational plan to raise the level of the canal due to water quality violation concerns. The 1991 Everglades Settlement Agreement entered into by the U.S. and Florida established water quality standards for water flowing into the Park that sets a phosphorous limit on the water flowing into the Park through a formula based in part on the quantity of water flowing into the Park. If more water flows into the Park, then the lower the phosphorous amount must be to protect the environment. Already, water flowing into the Park exceeded the phosphorous limit in 2012 and 2014. Given the current water quality in WCA 3A, including the Tribe's lands, the FDEP cannot be assured that increased water flows will not result in future water quality violations. *Building a new bridge will neither solve these water quality problems nor convey significantly more water to the Park while these water quality problems exist.* **The Tribe asks the Subcommittee to halt federal funding for further bridging construction until an operational plan is permitted to significantly raise the level of the L-29 canal.**

Without the ability to actually move more water, the water continues to stack up on the Tribe's lands in WCA 3A, damaging the tree islands and significantly affecting the wildlife and cultural resources of the Tribe. With its focus on bridging, the Park has neglected to maintain existing culverts and gates that are underneath the Trail that would convey a significant amount of water into the Park if they were simply cleared of downstream vegetation and swales added where necessary to help produce natural sheet flow. Already, culverts are used widely throughout the Everglades on many roads to effectively convey water. **The Tribe asks the Subcommittee to direct the Park to clear the dense vegetation downstream of the culverts and gates under and along the Trail to increase water flow and alleviate high water levels flooding the Tribe's land and housing.**

#### **True Restoration of the Everglades Begins with Improving Water Quality**

Everglades restoration will never be accomplished unless there is a comprehensive solution for cleaning up the contaminated water. While progress has been made in the Eastern and Central Flow Paths, the Western Everglades, including L-28 on the Reservation, has been largely ignored. With discharges of phosphorous that averaged 83 ppb (10 ppb is the EPA approved standard) in FY15 and that can exceed 100 ppb – 10 times greater than the protective standard, polluted L-28 water has had devastating impacts on the tribal lands, WCA3A, and the broader Everglades. Recent data from the 2015 South Florida Environmental Report shows that discharges from L-28 comprise nearly 45% of the total phosphorus load discharged into WCA 3A. As that water flows south through tribal lands and WCA 3A, the water is slowly cleaned. Essentially, tribal lands are being used as a *de facto* Stormwater Treatment Area (STA) to clean and store water for the Park. However, DOI has as much, if not more, responsibility to the Tribe to clean the water on our lands in the Everglades as it does to the Park. Efforts should be targeted toward cleaning all of the polluted water before it enters the Everglades.

Recently, as a result of litigation initiated by the Tribe, EPA and the State entered into a "Framework Agreement" (Agreement) to address water quality issues in the Everglades. This Agreement calls for a number of projects, including the expansion of STAs and the creation of

Flow Equalization Basins (FEBs). While the Tribe is encouraged by the potential success of these projects, the Agreement does nothing to address poor water quality in L-28 in the Western Everglades. Similarly, while the Central Everglades Planning Project (CEPP) includes an FEB storage component and firm water quality commitments, the CEPP does little to address poor water quality in L-28. Addressing contamination in L-28 must be a top priority for true restoration and to ensure that our homelands, culture, and traditions are protected. The Tribe believes that all options for resolving this must be considered; and, because L-28 directly impacts the Reservation, any final resolution must be consistent with the Tribe's policies and way of life. **The Tribe asks that the Subcommittee direct DOI to work with the Tribe to develop solutions to address water quality in L-28.**

#### **Oppose the River of Grass Greenway (ROGG)**

The ROGG is a proposed 76-mile hard surface bicycle path that would run parallel to the Trail. The Trail is already a scar on the Everglades. After the federal government has spent billions to try to restore the Everglades, why would another 14-foot wide environmentally damaging scar be allowed through the Everglades? For us, the high volume of estimated visitors will greatly impact our culture and increase the exposure of Miccosukee cultural, historical, and archaeological resources to loss, theft, and vandalism. The project would seriously invade our privacy, including the proposed bike path through the Tribe's Tigertail Camp. Lastly, the loss of irreplaceable wetlands from the project is unacceptable. **The Tribe asks that the Subcommittee direct that no federal funding be used to implement or study this project and urge the NPS to oppose this project.**

#### **Oppose Fracking in the Big Cypress National Preserve**

Recently, a proposal was submitted to undertake seismic testing in the Big Cypress National Preserve (Big Cypress), which is a vital part of the broader Everglades ecosystem and where the Tribe maintains hunting and gathering rights, for the possibility of fracking to extract oil and gas. Allowing fracking here endangers the entire Everglades, completely nullifies the efforts and resources being spent to restore the Everglades, and infringes on our traditional hunting, fishing, and trapping subsistence rights acknowledged in the Big Cypress Enabling Act (P.L. 93-440). **The Tribe requests that the Subcommittee urge NPS to oppose any proposal to study or pursue fracking in Big Cypress.**

#### **NPS Gathering Rule Should Be Clarified To Protect Miccosukee's Rights**

Recently, NPS issued a proposed rule to create a process for tribes to enter into agreements with NPS units to collect certain plants. However, Miccosukee's gathering rights are already statutorily preserved in the Miccosukee Reserved Area Act (PL 105-313), the Everglades National Park Act, and the Big Cypress Enabling Act. Even so, the Tribe has had difficulties when exercising our rights with the revolving door of superintendents who are not familiar with the statutes. **The Tribe requests that the Subcommittee urge NPS to clarify that the Gathering Rule specifically reference Miccosukee rights in the NPS units.**

#### **Conclusion**

The Tribe is committed to full Everglades restoration. Precious resources should be spent on cleaning the water in the Everglades before it is too late instead of on costly and ineffective projects that ultimately will not help achieve true restoration of the Everglades.

Written Testimony to the House of Representatives  
Appropriations Committee  
Subcommittee on Interior, Environment, and Related Agencies

Submitted By  
Ron Brooks  
Chairman

Mississippi Interstate Cooperative Resource Association

My name is Ron Brooks. I am the Director of the Fisheries Division of the Kentucky Department of Fish and Wildlife Resources. I am submitting written testimony on behalf of the Mississippi Interstate Cooperative Resource Association – an interstate partnership known as MICRA – regarding the priorities and budgets of two agencies within the Department of Interior, specifically the U.S. Geological Survey (USGS) and the U.S. Fish and Wildlife Service (USFWS). The following testimony includes three appropriations requests totaling \$4,460,000 in additional funding to the USFWS's Fish and Aquatic Conservation FY2017 budget (Activity: Aquatic Habitat and Species Conservation; Subactivity: Aquatic Invasive Species).

MICRA is an organization of my fellow state agency fish chiefs in the 28 states that have management jurisdiction of the fisheries resources in the Mississippi River Basin. The Mississippi River Basin is the largest watershed in the nation, covering 41% of the continental U.S. and draining all or part of 31 states and 2 Canadian Provinces. The Mississippi River Basin states formed the MICRA partnership in 1990 to cooperatively manage the interjurisdictional fisheries and aquatic resources in the basin. Recreational and commercial fishing in the Mississippi River Basin generates more than \$19 billion in economic output annually.

MICRA supports the increases in the President's FY2017 Budget for National Fish Hatchery System Operations and Maintenance, and for the Aquatic Habitat and Species Conservation's Fish Passage Improvements and Aquatic Invasive Species Programs. Two of the primary basin-wide issues impacting our native fisheries and aquatic resources are the loss of diverse habitats and aquatic invasive species. The National Fish Hatchery System mitigation program, Aquatic Invasive Species Program, National Fish Passage program, and the National Fish Habitat Partnerships are all programs that MICRA strongly supports and would like to see remain priorities for the USFWS and Congress.

Aquatic Nuisance Species (ANS) impact water resources, businesses, waterway users, native ecosystems, and the public in every state throughout the Nation. Management and control of nuisance fish – such as Asian carps and lion fish; mussels – such as quagga mussels, zebra mussels, New Zealand mud snails, and applesnails; plants such as Brazilian elodea, hydrilla, water hyacinth, and Eurasian water milfoil; and a plethora of other organisms cost the United States billions of dollars each year.

The Aquatic Nuisance Species Task Force (ANS Task Force), composed of 13 Federal agencies and 13 ex-officio organizations, serves as the only intergovernmental organization dedicated to

preventing and controlling ANS. The ANS Task Force provides a national forum for collaboration on critical issues that can impact prevention, control, and management of ANS. Regional coordination among Federal, State, and local partners is accomplished through the work of six Regional Panels. MICRA is an ex-officio member on the ANS Task Force and the host organization for the Mississippi River Basin Panel on Aquatic Nuisance Species – the largest Regional Panel in the country.

Funding for the Regional Panels is provided through the USFWS's Aquatic Invasive Species Program, specifically as part of 'NISA Implementation' (i.e. National Invasive Species Act of 1996). Funding for the six Regional Panels is authorized in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) at \$300,000, providing a mere \$50,000 in annual operations to each Regional Panel when fully appropriated. Beginning in 2013, the USFWS reduced annual funding to the Regional Panels by 20%. MICRA requests that Congress restore Regional Panel funding to at least the previously appropriated level of \$300,000, but preferably to \$600,000 which would provide each Regional Panel with \$100,000 for annual operations. Leadership of the six Regional Panels has repeatedly stated that a minimum annual operational budget of \$100,000 is needed for each Regional Panel to meet its legislated responsibilities under NANPCA.

As part of the federal-state partnership to address the myriad of ANS issues, 40 state and 2 interstate ANS management plans have been developed to identify needed actions to address each state's priority ANS issues. Funding for implementation of these 42 ANS Task Force approved state and interstate ANS management plans is administered through the USFWS and is authorized by NANPCA at \$4 million annually. Funding for state ANS management plans allows states to leverage funds and implement the highest priority actions to prevent the continued spread of ANS and minimize their impacts on the public. Initial funding levels (FY2000 and FY2001) provided more than \$100,000 annually per approved plan; however, as the number of approved state ANS management plans has increased each year, the amount of funding received by each state has steadily decreased, severely limiting the ability of states to effectively manage ANS.

Thankfully, Congress increased funding for implementation of state ANS management plans to \$2 million in FY2016 and this increase is included in the President's FY2017 Budget. This much needed increase will result in each state with an approved plan receiving approximately \$47,000 for implementation. The total funding requested by states to implement approved plans in FY2012 was more than \$14 million. MICRA requests Congress increase funding for implementation of approved state ANS management plans to the fully authorize level of \$4 million in FY2017. This increase of \$2 million for implementation of approved state and interstate ANS management plans is critically needed and long overdue. It is an investment in the states' collective ability to prevent introductions of new ANS and manage and control existing ANS populations that cause millions of dollars in losses each year.

State management plan and Regional Panel funding are included with USFWS operational costs in the agency's budget for Aquatic Invasive Species as NISA implementation. We encourage

appropriations language that clearly articulates the level of funding for state management plan implementation and Regional Panel operations as is intended by the Subcommittee to prevent the continued loss of funds from these programs to USFWS operational costs. MICRA also recognizes the increased cost for USFWS operations each year, and underscores the importance of additional funding in the USFWS's Fish and Aquatic Conservation budget for these important programs to the states.

Asian carp have been spreading throughout much of the Mississippi River Basin over the past two decades impacting new waters each year. The states assisted the USFWS in the development of the national 'Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States' that was approved by the national ANS Task Force in 2007. The Mississippi River Basin states have long advocated for national strategies to prevent and control Asian carps, recognizing that comprehensive efforts to address Asian carp throughout the Mississippi River Basin are necessary to achieve success in preventing Asian carp from becoming established in the Great Lakes, Upper Mississippi River, upper Ohio River, and elsewhere. Congress has made a significant investment over the last several years to prevent Asian carp from becoming established in the Great Lakes, first through Great Lakes Restoration Initiative (or GLRI) funding and more recently through base funding allocations to federal agencies.

Beginning in FY2014 the USFWS and USGS began receiving base funding to address Asian carp outside the Great Lakes, however this funding has been focused on preventing Asian carp from becoming established in the Upper Mississippi River and Ohio River basins. In addition to protecting uninvaded waters in every Mississippi River Basin state, many states in the Mississippi River Basin are attempting to reduce established populations of Asian carp and minimize their impacts on the businesses and recreational users that rely on these waters. The FY2017 President's Budget includes base funding for USFWS to "to prevent the spread of Asian carp in the Great Lakes Basin, and the upper Mississippi and Ohio rivers." Such language has prevented federal agencies from implementing a national strategy for this issue and has kept Asian carp prevention and control technologies developed with Great Lakes Asian carp funding from being implemented and evaluated in parts of the Mississippi River Basin beyond the upper Mississippi and Ohio rivers where the results would have meaningful local and national benefits. For example, the Mississippi Department of Wildlife, Fisheries, and Parks has coordinated with USFWS, USGS, and the U.S. Army Corps of Engineers (USACE) to identify potential tools and locations to prevent the interbasin transfer of silver carp from the Tennessee River to the Mobile River Basin via the Tennessee-Tombigbee Waterway. Despite the collaboratively agreed upon potential application of USGS developed technologies to prevent an inter-basin transfer of Asian carp, the federal agencies have informed the Mississippi Department of Wildlife, Fisheries, and Parks that Asian carp funding is not available to implement and evaluate these technologies in the Tennessee-Tombigbee Waterway.

The President's FY2017 Budget for USFWS includes \$7.9 million in base funding for Asian carp; however \$5.3 million is designated to be used for the Great Lakes and \$2.6 million is designated for the Upper Mississippi River and Ohio River basins. MICRA supports these federal agency

base funding increases to enable the USFWS, in partnership with USGS and USACE, to lead national efforts to manage and control Asian carps in the United States. Greater focus on national priorities and increased funding for Asian carp prevention and control beyond the Great Lakes is desperately needed. MICRA urges the Subcommittee to include an additional \$2.1 million in USFWS base funding for Asian carp and to include language that the agency's Asian carp base funds are to be used for "implementation of the national 'Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States' and associated collaborative multi-state Asian Carp Control Strategy Frameworks and Action Plans to protect the Great Lakes, Mississippi River and tributaries, and other priority watersheds." Similar wording is recommended for USGS and other federal agencies receiving base funding for implementation of Asian carp programs. This wording is recommended to enable current work in the Great Lakes, Upper Mississippi River, and Ohio River basins to continue at their current levels, and to provide federal agencies with the flexibility to implement additional work where needed based on national priorities.

The Regional Frameworks/Action Plans for the Mississippi River Basin were developed with flexibility to use creative solutions to control existing populations of Asian carp and prevent further range expansion. Much of the work identified in the Asian Carp Regional Frameworks/Action Plans for the Mississippi River, Ohio River, and other parts of the Mississippi River Basin are state-led actions. The states are critical partners to the federal agencies in the battle against Asian carp, but most states lack funding to implement actions and address priority needs. Federal grants to states for implementation of priority actions in support of the 'Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States', and Regional Frameworks/Action Plans is needed to enable the states to engage as equal partners in addressing Asian carp. Funding increases to USFWS for Asian carp should include a specific amount or a percentage for grants to states for implementation of state-led priority needs identified in Asian Carp Regional Frameworks/Action Plans. Such a program could be administered by the USFWS and implemented in a similar manner as the state ANS management plan program.

Thank you for the opportunity to provide written testimony on the FY2017 Budget for the Department of Interior and for considering the recommendations and requests submitted by MICRA on behalf of our 28 Mississippi River Basin member states. I am happy to provide clarification or additional information to the Subcommittee or its individual members regarding any of MICRA's recommendations and requests presented in this written testimony.

Respectfully,

Ron Brooks  
 MICRA Chairman  
[ron.brooks@ky.gov](mailto:ron.brooks@ky.gov)  
 502-226-0881



Re: Written Public Testimony to the House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies

Submitted by: Diana Madson, Executive Director, The Mountain Pact

Institutional Affiliation: The Mountain Pact

March 22, 2016

The Honorable Ken Calvert  
United States House of Representatives  
Washington, DC 20515

The Honorable Betty McCollum  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

The Mountain Pact represents mountain communities across the American West, approximately 250,000 permanent residents and forty million visitors each year. Positioned in rural mountain areas and often surrounded by federal land, Western mountain communities are especially vulnerable to economic, public health, and environmental damages from catastrophic wildfire.

It is not news to anyone living in the Western United States that wildfires have become a major threat to our communities. Many factors contribute to the increase in wildfire frequency and severity, including build-up of hazardous fuels, increasing populations in the wildland urban interface, and ongoing drought. This past decade fires have burned 50% more land than in the previous four decades; the fire season has expanded by two months; and the average size of fires has increased by a factor of five since the 1970s. Just this summer, impacts from one of the worst western fire seasons on record have had far-reaching effects. The frequency and severity of these wildfires has and will have a disastrous effect on local economies, natural resources, and our communities and needs to be matched by significant levels of funding to protect people, water, and wildlife.

In addition to the threat of the actual wildfires, critical landscape management activities are often postponed or canceled as a result of fire transfers from non-suppression agency accounts once annual wildfire suppression funds are depleted. Currently, the USDA Forest Service (USFS) and Department of Interior (DOI) are the only agencies required to pay for natural disaster response out of their annual discretionary budgets. Since 2000, these agencies have run out of money to fight emergency fires eight times and in the last two years, more than \$1 billion was 'borrowed'

from USFS programs to cover fire suppression shortfalls. Unfortunately and again in FY 2015, the ten-year average was not enough to meet the USFS suppression needs, forcing the agency to transfer \$700 million from non-suppression accounts to make up for the shortfall.

The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management, among many other activities. Additionally, the increasing ten-year average has not met annual suppression needs since before FY 2002, which is why we are thankful to the Committee for the full transfer repayment and increased suppression funding in FY 2016. However, we understand this is not expected to occur every year.

DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets. Our local economies are incredibly vulnerable to the effects of underfunded federal land management.

We appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act, which addresses federal fire funding challenges as well as other bipartisan Congressional efforts in this regard. We respectfully request a bipartisan fire funding solution that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.


Sincerely,





Diana Madson  
Executive Director | The Mountain Pact

Cc: Members of the House Interior Appropriations Subcommittee

## Mountain Communities for Environmental & Economic Resilience

 Diana Madson, Executive Director

 [diana@themountainpact.org](mailto:diana@themountainpact.org)

 530.539.4071

**Statement of Chuck Williams, State Mine Land Reclamation Supervisor, Alabama Department of Labor On Behalf of the National Association of Abandoned Mine Land Programs re the FY 2017 Proposed Budget for the Office of Surface Mining Reclamation and Enforcement before the House Interior, Environment and Related Agencies Subcommittee – March 14, 2016**

My name is Chuck Williams and I serve as State Mine Land Reclamation Supervisor within the Inspection Division of the Alabama Department of Labor. I am providing this statement on behalf of the National Association of Abandoned Mine Land Programs (NAAMLPP), for which I currently serve as President. The NAAMLPP represents 31 states and tribes, of which 28 implement federally approved abandoned mine land reclamation (AML) programs authorized under Title IV of the Surface Mining Control and Reclamation Act (SMCRA). As you know, Title IV of SMCRA was amended in 2006 and significantly changed how state and tribal AML grants are funded. These grants are still based on receipts from a fee on coal production, but beginning in FY 2008, the grants are funded primarily by mandatory appropriations. As a result and based on current OSMRE projections, the states and tribes should receive \$235 million (before sequestration) in FY 2017. In its FY 2017 proposed budget, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is requesting \$375 million for state and tribal AML grants (which includes \$200 million of new funding for the President's Power Plus Plan), an increase of \$140 million. OSMRE's budget also includes five legislative proposals, the first of which would eliminate funding to states and tribes that have "certified" completion of their highest priority abandoned coal reclamation sites (a reduction of \$61 million in FY 2017); the second of which would return the AML reclamation fee paid by coal operators to pre-2006 levels; the third of which would establish a hardrock AML fee and accompanying program; the fourth of which would provide enhanced payouts to the United Mine Workers pension funds; and the fifth of which would accelerate the distribution of grant funds for a portion of the remaining unappropriated balance in the AML Trust Fund to target the cleanup and redevelopment of eligible lands and waters (an additional \$200 million in FY 2017).

Over the past 35 years, the accomplishments of the states and tribes under the AML program have resulted in tens of thousands of acres of abandoned mine lands having been reclaimed, thousands of mine openings having been closed, many streams having been restored from the adverse impacts of acid mine drainage, hundreds of mine fires having been extinguished, thousands of homes, schools and businesses having been stabilized from the adverse impacts of mine subsidence and landslides, and safeguards for people, property and the environment having been put in place. Additionally, potable drinking water supplies have been re-established for tens of thousands of citizens in areas where groundwater and water wells have been contaminated or diminished by mining. Be assured that states and tribes are committed to addressing the unabated hazards at both coal and non-coal abandoned mines. We are united in achieving the goals and objectives as set forth by Congress when SMCRA was first enacted – including protecting public health and safety, enhancing the environment, providing employment, and adding to the economies of communities impacted by past coal and noncoal mining. In this regard, a recently updated "Safeguarding, Reclaiming, Restoring" accomplishments report prepared by state and tribal Administrators of AML programs under SMCRA is available on the NAAMLPP website (<http://naamlp.net/documents/>), which provides several on-the-ground examples of the type of work that is being done around the country.

When passed in 1977, SMCRA set national regulatory and reclamation standards for coal mining. The Act also established a Reclamation Trust Fund to work towards eliminating the innumerable health, safety and environmental problems that existed throughout the Nation from mines that were abandoned prior to the Act. The Fund generates revenue through a fee on current coal production. This fee is collected by OSMRE and distributed to states and tribes that have federally approved regulatory and AML programs. The promise Congress made in 1977, and with every subsequent amendment to the Act, was that, at a minimum, half the money generated from fees collected by OSMRE on coal mined within the boundaries of a state or tribe, referred to as the “State Share”, would be returned for the uses described in Title IV of the Act if the state or tribe assumed responsibility for regulating active coal mining operations pursuant to Title V of SMCRA. The 2006 Amendments clarified the scope of how the State Share funds can be used and reaffirmed the promise made by Congress in 1977.

If a state or tribe was successful in completing reclamation of abandoned **coal** mines and was able to “certify” under Section 411 of SMCRA<sup>1</sup>, then the State Share funds could be used to address a myriad of other abandoned mine issues as authorized by SMCRA and as further defined under each state’s or tribe’s Abandoned Mine Reclamation Plan, each of which is approved by OSMRE. Like all abandoned mine reclamation, the work of certified states and tribes eliminates health and safety problems, cleans up the environment, and creates jobs in rural areas impacted by mining. In this regard, the certified states and tribes have been good stewards of the AML funds they receive, especially with regard to addressing dangerous non-coal mines.

The legislative proposal to eliminate funding for certified state and tribal AML grants not only breaks the promise of State and Tribal Share funding, but upsets the balance and compromise that was achieved in the comprehensive restructuring of SMCRA accomplished by the 2006 Amendments following more than ten years of discussion and negotiation by all affected parties. The funding reduction is inconsistent with the Administration’s stated goals regarding jobs and environmental protection. We therefore respectfully ask the Subcommittee to support continued funding for certified states and tribes at the statutorily authorized levels, and turn back any efforts by OSMRE to amend SMCRA in this regard.

OSMRE’s budget includes a discretionary funding request that would provide \$3.5 million for “reclamation program management and programmatic guidance to States and Tribes.” OSMRE notes in its budget justification document that, among other things, this funding would support the agency’s efforts to insure compliance with the National Environmental Policy Act (NEPA). In this regard, OSMRE notes that every project must be evaluated by OSMRE personnel under NEPA regulations prior to approval and asserts that this analysis goes above and beyond what the states and tribes are already providing to OSMRE as part of project authorization.

While the states and tribes understand and appreciate OSMRE’s role in the NEPA process, we caution against OSMRE either second-guessing state/tribal assessments related to

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<sup>1</sup> While a certified state or tribe confirms at the time of certification that it has completed all of the coal sites on its current inventory, the certification contemplates that new, formerly unidentified high priority coal AML sites may occur in the future and the state/tribe commits to addressing these sites immediately. All AML states and tribes, including those that are certified, have identified additional previously unknown high priority coal sites as a result of on-going field investigations, new information and features that have been expressed to the surface. These sites are routinely updated on e-AMLIS.

NEPA compliance or requiring supplemental information that is unnecessary or sometimes borders on nonsensical. Rather than having OSMRE simply engaging in more oversight, the states and tribes would benefit more from OSMRE taking greater ownership in undertaking the NEPA tasks that are within their scope of responsibility. The same is true with regard to the development of “guidance” documents related to NEPA compliance and other AML program elements. The states and tribes are often better served by a more collaborative relationship with OSMRE in completing the hard work associated with these program requirements. In addition, we believe the proposed increase in funding for technical assistance and applied science projects related to AML work is justified.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA’s 319 program. In FY 2014, language was included in OSMRE’s appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mine drainage (AMD) from abandoned mines. This is an ongoing, and often expensive, problem, especially in Appalachia. NAAMLPP therefore requests that the Subcommittee once again include language in the FY 2017 appropriations bill that would allow the use of AML funds for any non-Federal cost-share required by the Federal government for AMD abatement.

We also urge the Subcommittee to support increased funding for OSMRE’s training program and TIPS, including moneys for state/tribal travel. These programs are central to the effective implementation of state and tribal AML programs as they provide necessary training and continuing education for state/tribal agency personnel, as well as critical technical assistance. We also strongly support funding for the Watershed Cooperative Agreements in the amount of \$1.5 million because it facilitates and enhances state and local partnerships by providing direct financial assistance to watershed organizations for acid mine drainage remediation.

Among the legislative proposals contained in OSMRE’s proposed budget, two deserve special attention. The first is a proposal to “Revitalize Communities Impacted by Abandoned Mine Lands,” which would be accomplished by dispersing \$1 billion from the AML Fund over five years for the purpose of reclamation that “facilitates sustainable revitalization.” While the states are supportive of the spirit of this proposal and have in fact designed many projects around these types of purposes using local contractors whenever the opportunities and partnerships exist, we cannot support a programmatic change of this magnitude without a better understanding of the specifics of how it will be implemented. The success of such an endeavor, as well as the states’ support for it, is highly dependent on robust consultation between OSMRE and state AML program managers. At this juncture, the states are concerned that the proposal could have negative ramifications for the overall remediation of AML hazards and thus public health and safety. Additionally, such projects rely on a combination of partnerships, infrastructure and other factors to sustain them into the future once the AML reclamation is completed. Depending on how the proposal is implemented, the addition of “economic eligibility factors” to existing site selection criteria could potentially divert some amount of funding away from the highest priority AML sites, including emergencies. In this regard, it should be kept in mind that the \$1 billion of AML Fund money which would be repurposed by the proposal is already slated for dispersal to the states under the allocation system and site prioritization method ordained by Congress in the 2006 amendments to SMCRA — and primarily for remaining high priority AML projects.

We also believe that it would be in everyone's interest to allow the \$90 million economic and community development pilot project that was approved as part of the FY 2016 Omnibus Appropriations Act to play out over the next year before launching a more extensive program. To date, the states of Kentucky, Pennsylvania and West Virginia have still not received approval of their respective grant applications and have received limited guidance from OSMRE regarding how the program will be executed, particularly with regard to consultation with stakeholders, grant administration, and eligibility of projects. These are many of the same issues that have attended the Administration's \$1 billion AML proposal during our past discussions with the agency.

OSMRE's budget proposal also includes a legislative proposal that would require a massive transfer of \$363.4 million from the Treasury to various components of the UMWA Health and Retirement Funds. The states recognize the importance of this issue and are supportive of efforts to ensure the long-term solvency of the UMWA Pension Funds. However, the states believe that this issue should be pursued as part of a more comprehensive AML reauthorization package given the overall implications for the AML program. In this regard, the states are concerned that this significant dispersal of Treasury funds would trigger the application of the \$490 million cap on transfers from the Treasury vis-à-vis mandatory Treasury payments to the states for AML work. An analysis of OSMRE's proposed budget demonstrates that the combination of this transfer to the UMWA Funds along with the mandatory AML program transfers to states, including funding for certified states and tribes that we request be continued, would exceed the \$490 million cap.

With regard to the proposal contained in OSMRE's budget to establish a hardrock AML program, the states and tribes are well aware of the need to address historic hardrock AML problem areas, which initially began with the inclusion of Section 409 of SMCRA in 1977. There is clearly a need to establish both the funding mechanism and the administrative program to address these legacy sites. If Congress does approve a hardrock AML program, we believe that OSMRE is in the best position to administer this program, given its 35 years of experience in operating the Title IV program under SMCRA. Our only concern is that, while on the one hand OSMRE is advocating for the establishment of a hardrock AML program, it is also pushing for the elimination of funding for certified states and tribes to accomplish this very same type of work. Granted, OSMRE's position is based on its belief that SMCRA funding should be restricted to high priority coal problems only. However, Congress clearly felt differently from the outset of SMCRA's formation and, while there have been many recent opportunities to adjust its views and amend SMCRA accordingly, Congress has chosen not to do so. To the contrary, Congress has adopted legislation that would clarify the use of SMCRA AML funds to address noncoal problems. Nonetheless, we would welcome an opportunity to work closely with OSMRE in examining the potential for a hardrock AML program, wherever it may reside and however it may be constituted.

Thank you for the opportunity to submit this statement regarding OSMRE's proposed budget for FY 2017. I would be happy to answer any questions you may have or provide additional information.



**Testimony of S. William Becker**  
**Executive Director**  
**National Association of Clean Air Agencies**  
**Provided to the House Appropriations Committee**  
**Subcommittee on Interior, Environment, and Related Agencies**  
**Regarding the FY 2017 Budget for the U.S. Environmental Protection Agency**  
**March 21, 2016**

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to provide testimony on the FY 2017 proposed budget for the United States Environmental Protection Agency (EPA), particularly grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act, which are part of the State and Tribal Assistance Grant (STAG) program. Specifically, NACAA makes three requests of Congress: (1) state and local air pollution control agencies should be provided with federal grants in the amount of the President's request – \$268.2 million – which is an increase of \$40 million over FY 2016 levels; (2) the \$40-million increase should not be earmarked for any particular activity (e.g., climate change); rather, agencies should be given the flexibility to use the additional resources on the highest-priority activities in their areas; and (3) grant funds for fine particulate matter (PM<sub>2.5</sub>) monitoring should remain under Section 103 authority, rather than being shifted to Section 105 authority, as EPA is proposing.

NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 40 states, the District of Columbia, four territories and 116 metropolitan areas. The members of NACAA have the primary responsibility under the Clean Air Act for implementing our nation's clean air program. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the United States. These observations and recommendations are based upon that experience. The views expressed in this testimony do not necessarily represent the positions of every state and local air pollution control agency in the country.

**Air Pollution Is Still a Serious Problem in the United States**

Air pollution continues to be a significant public health concern. Every year tens of thousands of people die prematurely as a result of breathing polluted air. Millions are exposed to unhealthful levels of air contaminants, which results in many health problems, such as cancer and damage to respiratory, cardiovascular, neurological and reproductive systems.<sup>1</sup> The evidence of adverse health impacts continues to mount. For example, in October 2013, the International Agency for Research on Cancer (IARC) of the World Health Organization classified outdoor air pollution as carcinogenic to humans. The IARC evaluated particulate matter separately and also classified it as a human carcinogen.<sup>2</sup>

<sup>1</sup> *FY 2014-2018 EPA Strategic Plan* (April 10, 2014), page 8

<sup>2</sup> [https://www.iarc.fr/en/media-centre/iarcnews/pdf/pr221\\_E.pdf](https://www.iarc.fr/en/media-centre/iarcnews/pdf/pr221_E.pdf)

The programs that federal, state and local agencies have undertaken to address air pollution under the Clean Air Act have been hugely successful. For example, EPA data show that between 2003 and 2014, population-weighted ambient concentrations have declined by 29 percent for PM<sub>2.5</sub> and 18 percent for ozone.<sup>3</sup>

In spite of these strides, significant problems still exist, posing threats to public health and welfare. According to EPA, in 2014 approximately 57 million people in this country lived in counties that exceeded one or more of the federal health-based air pollution standards.<sup>4</sup> With respect to hazardous air pollutants (HAPs), the newly released data from EPA's National Air Toxics Assessment (NATA) indicate that in 2011 "all 285 million people in the U.S. ha[d] an increased cancer risk of greater than 10 in one million," while one-half million people have an increased risk of cancer of over 100 in a million, due to exposure to the HAPs included in the NATA analysis.<sup>5</sup>

The task Congress faces of balancing many competing needs is daunting. However, we doubt any of the issues this Subcommittee addresses pose more of a public health problem than that of air pollution. This body has the chance to take aim at this critical public health and welfare problem by providing additional federal grants to those fighting on the front lines – state and local air quality agencies.

### **The Proposed Increase is Needed Even without the Clean Power Plan Requirements**

The proposed budget for FY 2017 calls for an increase of \$40 million in grants for state and local air quality agencies, for a total of \$268.2 million. The \$40-million increase was originally intended to include \$25 million for implementation of the Clean Power Plan (CPP) and \$15 million for what we consider to be "core" activities, such as ongoing and day-to-day elements of our programs. As you know, after the budget was proposed, the Supreme Court stayed the CPP (February 9, 2016) so many state and local agencies' obligations related to this program will not be required during FY 2017. However, we nevertheless urge Congress to provide the full \$40-million increase to state and local air agencies because our needs are far greater than the total proposed additional grants could address, even without the requirements of the CPP. Moreover, if given flexibility on how the additional funds are used, state and local air agencies can target the resources to address the issues that are most pressing to their communities.

### **State and Local Agencies Programs Face Significant Deficits**

State and local air pollution control agencies have done their best to operate with insufficient resources for many years, but it has been a struggle. State and local air programs face an annual shortfall of \$550 million in federal grants,<sup>6</sup> which has caused many of these

<sup>3</sup> *FY 2017 EPA Budget in Brief* (February 2016), page 14

<sup>4</sup> *FY 2017 EPA Budget in Brief* (February 2016), page 14

<sup>5</sup> <http://www.epa.gov/national-air-toxics-assessment/2011-nata-assessment-results>

<sup>6</sup> *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies*, (April 2009), NACAA, [www.4cleanair.org/Documents/reportneedsurvey042709.pdf](http://www.4cleanair.org/Documents/reportneedsurvey042709.pdf)

agencies to reduce or eliminate important air pollution programs, postpone necessary air monitoring expenditures and even reduce their workforces. In light of economic hardships, states and localities increasingly rely on federal grants provided by the Clean Air Act.

The Clean Air Act's Section 105 authorizes federal grants to cover up to 60 percent of the cost of state and local air programs and requires states and localities to contribute a 40-percent match. In reality, however, state and local air agencies provide over 75 percent of their budgets (not including permit fees under the federal Title V program). Exacerbating the situation is the fact that federal grants have decreased by nearly 17 percent in purchasing power since 2000 due to inflation.

State and local air quality programs carry out a host of essential activities to attain and maintain healthful air quality. These include ongoing, day-to-day responsibilities that constitute the foundation or core of our programs, as well as additional efforts designed to address new problems and changing regulatory requirements. While the list of our responsibilities is too lengthy to include in this brief testimony, just a few examples for FY 2017 include continued implementation of the health-based national ambient air quality standards (NAAQS) for multiple pollutants; development and/or revision of State Implementation Plans (SIPs) for the ozone, PM<sub>2.5</sub> and sulfur dioxide standards; implementation of air toxics standards, including revisions to Maximum Achievable Control Technology (MACT) standards resulting from Risk and Technology Review updates; and implementation of control measures related to visibility and regional haze.

These tasks require many resource- and labor-intensive activities including, among other things, air quality planning; compiling comprehensive emission inventories; carrying out complex modeling; analyzing extensive data; adopting regulations; inspecting facilities and enforcing regulations; addressing complicated transport issues; issuing minor source permits; and informing and involving the public in air quality decisions and issues.

A major responsibility that state and local agencies face relates to air quality monitoring. This piece of our program is critical for determining the extent and location of air quality problems and assessing the efficacy of our programs. As in previous years, our monitoring program in FY 2017 will call for ongoing monitoring as well as revisions to address new and changing requirements. Additionally, it has become obvious that one result of the financial crises of recent years is the postponement of necessary activities related to essential upkeep and maintenance for state and local air monitoring networks. Moreover, the loss of monitoring staff has hampered the program significantly. Simply stated, our monitoring program is in dire need of additional funds for essential infrastructure investments and additional personnel.

I have articulated just some of the difficult fiscal issues facing state and local air pollution control agencies in order to emphasize how important it is for Congress to provide these agencies with the \$40-million increase included in the Administration's request, even without the requirements of the CPP, and to also allow state and local agencies the flexibility to spend the funds on the highest priority activities in their areas.

### **NACAA Recommends that Monitoring Grants Remain Under Section 103 Authority**

As in previous years, the Administration's request proposes to begin to shift the PM<sub>2.5</sub> monitoring grant program from Section 103 authority to Section 105 authority. When funds are provided under Section 103, no state or local matching funds are needed, while Section 105 grants call for matching funds. We request that these funds remain under Section 103 authority. There are some state and local air quality agencies that are unable to provide additional matching funds. If the program is shifted to Section 105 authority, these agencies could have to refuse critical monitoring grants because they are unable to afford the required match. We have made this recommendation in previous years and state and local air quality agencies are very appreciative that Congress has been agreeable to our request in the past.

### **NACAA Supports Resources for the "Climate Infrastructure Fund"**

NACAA supports the proposed "Climate Infrastructure Fund," which includes \$1.65 billion over 10 years to, among other things, retrofit, replace or repower diesel equipment, especially school buses. It is critically important that diesel emissions be reduced and this program will support important efforts to address this problem.

### **NACAA Supports Diesel Emission Reduction Act (DERA) Funds**

NACAA is pleased that the proposed budget includes funding for the Diesel Emission Reduction Act (DERA) program (\$10 million). Diesel pollution poses significant threats to public health and the DERA program is an important effort to address emissions from the large legacy fleet of diesel engines. We are concerned that in FY 2016 it appears that the DERA program was increased above the President's request at the expense of the Section 103/105 grants and we strongly urge that any future funding for DERA not be in lieu of increases to state and local air grants.

### **Conclusion**

In summary, NACAA supports the Administration's proposal to provide \$268.2 million in grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act for FY 2017, which is an increase of \$40 million above FY 2016. NACAA also asks that Congress not "earmark" these funds for specific activities and instead provide state and local air pollution control agencies with the flexibility to use the additional resources on the highest priority activities in their areas. Finally, NACAA requests that that grants for PM<sub>2.5</sub> monitoring remain under Section 103 authority, rather than being shifted to Section 105 authority.

Thank you for this opportunity to provide testimony on these critically important issues and for your consideration of the funding needs of state and local air quality programs.

Contact: Kristina Surfus, Legislative Affairs Manager  
National Association of Clean Water Agencies

Written Testimony to House Appropriations- Interior & Environment Subcommittee  
March 23, 2016

Agency: USEPA

Program: State Revolving Funds; Integrated Planning

Funding Request: Reject any cuts to Clean Water SRF; Provide at least \$6.5 million for Integrated Planning

As the Appropriations Committee begins to develop legislation to fund EPA in the 2017 fiscal year, the National Association of Clean Water Agencies (NACWA) appreciates your support of strong funding for programs that help provide clean and safe water infrastructure while making local utility investments more manageable for ratepayers.

As you know, the ongoing water crisis in Flint, Michigan has focused national attention on the needs of our water infrastructure. This has prompted welcome proposals by some members of Congress to dramatically boost water infrastructure spending next year. One such proposal would provide \$2 billion each to the Clean Water and Drinking Water State Revolving Funds (SRFs), well-established programs that deliver funding to all states to help communities improve their water and wastewater infrastructure to protect public health. NACWA strongly supports these higher proposed funding levels to dramatically increase SRF appropriations in the 2017 fiscal year while bringing parity to Clean Water and Drinking Water SRF funding levels.

We also recognize that the budgetary situation faced by Congress may prevent total SRF appropriations from reaching these levels in FY17. If that is the case, at minimum we urge Congress to reject any cuts to the Clean Water SRF in 2017 – including those proposed in the President’s budget – and to bring the Drinking Water SRF to an equal level of funding.

The Clean Water SRF is heavily utilized across the U.S. to help clean water utilities meet their many regulatory requirements under the Clean Water Act through more affordable financing terms which help ensure local ratepayers can afford their clean water bills. Clean Water SRF funds have been instrumental in many communities’ successes in complying with National Pollutant Discharge Elimination System (NPDES) permits, implementing secondary (biologic) treatment of wastewater, and reducing the frequency and size of sewer overflows during wet weather events. Clean Water SRFs are also increasingly used for innovative stormwater and nutrient management projects and to implement green infrastructure, which can provide cost-effective water quality improvements while also providing green spaces and improving community quality of life.

Clean water utilities will also be looking to leverage low-cost financing from the Clean Water SRF to implement controls to maintain compliance with new and updated regulatory requirements from EPA. Regulatory and guidance changes ranging from updated water quality

standards for ammonia to new air emission standards for Sewage Sludge Incinerators impose costs for clean water utilities. On the enforcement side, municipal wet weather issues will continue to be an enforcement priority for EPA in FY17. This is anticipated to likely lead to new federal consent decrees for which communities will need to finance hundreds of millions of dollars in additional improvements. Many POTWs are also facing increasingly stringent nutrient limits, which can similarly impose compliance costs in the hundreds of millions of dollars for individual communities. The Clean Water SRF serves as an essential tool helping utilities meet their new requirements and limits.

While attaining strong SRF funding levels is clearly essential, in light of the massive costs clean water utilities face we also urge Congress to deliver robust funding to other important water infrastructure programs. In particular, we urge at least \$6.5 billion to continue EPA's Integrated Municipal Stormwater and Wastewater Planning Approach (Integrated Planning), which helps communities address their EPA regulations cost-effectively and strategically. Integrated Planning allows clean water utilities and their communities to strategically prioritize clean water investments to provide greater "bang for the buck" in addressing environmental and public health issues more holistically and cost-effectively.

Additionally, providing more robust SRF funding levels will help our nation's water and wastewater systems begin to address the billions of dollars of investment needs they face in the coming decades. EPA has reported that our wastewater systems face \$271 billion in documented needs over the next twenty years—investments in publicly owned wastewater conveyance and treatment facilities, sewer overflow correction, and stormwater management. Drinking water systems require \$384 billion in infrastructure rehabilitation and improvements over the same timeframe according to an EPA report. And these numbers likely do not reflect the true investment needs facing communities around the nation. With the crisis in Flint renewing national attention on water infrastructure, now is the time to take a stand by appropriating strong funding to the programs that help our communities ensure the ongoing delivery and treatment of clean and safe water.

Thank you for your thoughtful consideration, and please do not hesitate to contact NACWA for additional information.

**Statement for the Record**  
**CORBIN L. NEWMAN**  
**Executive Director - National Association of Forest Service Retirees**  
**Recommendations to the Subcommittee on Interior, Environment, and Related Agencies**  
**Fiscal Year 2017 Budget for the United States Forest Service**  
**March 23, 2016**

Mr. Chairman and members of the Subcommittee, the National Association of Forest Service Retirees (NAFSR) respectfully submits the following statement for the record to the Subcommittee on Interior, Environment, and Related Agencies regarding the fiscal year (FY) 2017 budget for the United States Forest Service. I am the Executive Director of NAFSR. I retired from the position of Regional Forester, Southwest Region, in 2013. I have also served in multiple other positions in the field including District Ranger and Forest Supervisor, as well as positions in the Washington Office, that included the Director of Forest Management, National Fire Plan Coordinator, and Budget Coordinator for the National System. We appreciate this opportunity to provide recommendations to the Subcommittee as it considers the FY 2017 Budget for the Forest Service.

NAFSR fully recognizes the budgetary challenges faced by the Subcommittee in preparing recommended appropriations for agencies included in the Interior, Environment, and Related Agencies. We are grateful for the support this Subcommittee has shown for the Forest Service. Recognizing the tight budgetary situation, my testimony will focus only on limited specific budgetary recommendations, while emphasizing recommendations regarding policies and issues the Subcommittee will likely face as it works with the Budget Committee and other Authorizing Committees, as well as the Senate during conference phases.

This testimony will address the following:

- The need to “fix” the currently broken wildfire suppression funding process.
- The need to re-invest wildfire suppression funds not requested.
- The need to implement legal and regulatory reforms that can enhance the Agency’s ability to execute on-the-ground treatments.
- Limited specific appropriations recommendations.

**FIX THE WILDFIRE SUPPRESSION FUNDING SITUATION**

It is unfortunate that this section of our testimony reads like “a broken record.” This is a topic discussed with the Subcommittee over several years, yet the need to fix the current process for funding wildfire suppression continues to exist, and is the foremost priority for NAFSR. The process of funding wildfire suppression needs, by budgeting for a ten-year average has not met annual suppression needs since the 1990’s. The need for a long term fix has been the focus of a diverse coalition for the past 10 years. We are thankful to the Committee for the full transfer repayment and increased suppression funding in FY 2016. However, we understand this cannot be expected to occur every year. DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets.

While we continue to advocate specifically for passage of the Wildfire Disaster Funding Act (WDFA – H.R. 167; S.235), we feel any solution that grants access to nationally designated disaster funds, is acceptable, provided the solution does not contribute to the continued erosion of the agency’s core programs; many of which directly prevent catastrophic wildfire; and further provided, that when such access is needed, the process does not get bureaucratized by the need for a Presidential declaration and/or coordination with the Federal Emergency Management Agency.

The Balanced Budget and Emergency Deficit Control Act of 1985 includes a process for the nation to respond to major natural disasters without impacting the programs of responsible agencies. Catastrophic wildfires are in every way the same as a hurricane or other natural disaster. While their magnitude, geographic location, and impact on people and resources cannot be definitively planned for; these events WILL happen. The damage these fires cause are true disasters to local communities much like those currently funded through a reliable emergency management funding process, yet the current process of paying for wildfire suppression significantly affects the ability of the Forest Service to deliver its on-the-ground mission, and in fact directly impacts the very programs that will prevent catastrophic wildfires in the future. The current rate of treatments is unacceptable and a primary impediment is the unreliable and reduced funding due the substantial increases in wildfire suppression costs.

The agencies and first responders need a predictable, stable, and efficient budget structure to deliver their congressionally directed land management missions. The WDFA would provide the Forest Service with additional flexibility to reinvest in core activities which have been reduced in recent years due to a continued shift of limited resources to fund wildfire suppression. We appreciate the Committee’s attention to this increasing and unsustainable natural resource challenge. As we have said in prior testimony, the only sure bet that federal wildfire suppression expenditures will increase is to do nothing and continue the status quo in funding wildfire suppression.

#### **THE NEED TO RE-INVEST WILDFIRE SUPPRESSION FUNDS NOT REQUESTED**

America’s forests and forest-dependent communities are at risk from outbreaks of pests and pathogens, persistent drought, and the buildup of hazardous fuels. Urbanization and development patterns are placing more homes and communities near fire-prone landscapes, leading to more destructive and costly wildfires. As part of a fix for wildfire suppression funding, it essential to reprioritize the funds saved by the shift envisioned in WDFA into those very programs that support the active management of the nation’s at-risk ecosystems.

In reviewing the President’s FY 2017 request, we were dismayed to see that even though 70 percent of the 10-year average was requested for wildfire suppression, there was no “re-investment” of the 30 percent. It is hypocritical of the Administration to support WDFA and essentially re-direct “the savings” out of the Forest Service budget and the very programs that will contribute to reducing the costs of wildfire. The health of the National Forests, primarily west of the Mississippi, is generally poor and in serious need of an increased active on-the-ground management. The current reality is that the need to actively restore resilience to these ecosystems has never received the budgetary resources necessary to aggressively attack the poor forest health conditions. The funding process envisioned by WDFA can address at least some of these critical needs, yet the Administration is essentially “talking out of both sides of its mouth” by supporting WDFA and not re-investing the very significant amounts of money “saved” by

requesting 70 percent of the ten-year average. In the current year, the 10-year average has increased \$130 million. Over the long term this will be a continuous problem unless sufficient investments are made in restoration. If the Administration and Congress don't work together to re-invest the "savings" from the overhaul of the wildfire suppression process into restoration, we will continue to see further degradation on America's National Forests.

### **THE NEED FOR SPECIFIC LEGAL AND REGULATORY REFORMS**

This past year, two of the Agency's former top executives (Dale Bosworth, former Chief, and Jack Troyer, former Regional Forester) testified about the need to institute reforms that can improve the ability to execute on-the-ground restoration treatments. Significantly increased forest, woodland and grassland management is needed to replicate the ecosystem conditions that allow wildfire to burn at its more natural intensities. We must exponentially increase on-the-ground management if we are to improve overall forest health across the landscape.

To be certain, there are examples of exciting and progressive efforts being accomplished on the ground. Across the West and South, coalitions of people who work and live among our National Forests and Grasslands have "left their bias at the door" and come together to make a difference based on solidly focused priorities and reliable funding. The Forest Service should be applauded for supporting these collaborative efforts. These successes can be replicated at an even greater rate, if key reforms were instituted similar to those contained in H.R. 2647 The Resilient Federal Forests legislation. As stated in previous testimony, the majority of retired Forest Service executives support this legislation (with the exception of Title IX).

We strongly support reforms discussed in H.R. 2647, including expanded use of categorical exclusions (CE) and specific streamlining of procedures where collaboratives are involved, such as requiring only "action/no action" alternatives, bonding requirements for litigants, and greater treatment area sizes using CE's.

We believe it is clear that without reduced administrative procedures, current collaborative efforts will never reach their potential; much less multiply across all the landscapes that need treatment. The bottom line is that in order to be successful, there needs to be a key changes to policy and regulatory procedures that affect planning, appeals, and litigation.

### **SPECIFIC BUDGET LINE ITEM RECOMMENDATIONS**

Land Ownership Management - In prior years, NAFSR has highlighted the essential nature of this program. This program should be funded at no less than the FY2015 level; an increase of \$6.3 above the President's Budget. As former agency employees, we appreciate that the Landownership Management program has no nationwide constituent base, yet it is a critical program that supports the agency's restoration efforts. Funding for this line item has steadily eroded over time, yet the demands for the services provided have increased. The agency's capacity to deliver such service has been seriously affected. Activities funded in this line item include identifying property boundaries, assessing powerline location and environmental impacts, processing permit applications for numerous activities including water lines and buildings, and responding to alternative energy proposals. The Land Ownership Management budget line is also an essential part of being good neighbors to adjacent private landowners and

to the many communities within and adjacent to the Forests which is essential for supporting the increasing levels of collaboration.

Forest and Rangeland Research – This program is part of the core mission of the Forest Service, yet its budget has steadily eroded over time. The capacity to perform cutting edge research is negatively affecting the ability of the United States to be a world leader in developing wood related science and technologies. We recommend funding this program at the FY 2015 level; an increase of \$5.0 million over the President's Budget.

Facilities: Roads/Legacy Roads and Trails – We note the continued serious “under-funding” of the basic transportation infrastructure that provides access to the national forests. The transportation infrastructure on our national forests continues to deteriorate, with potentially tragic and even catastrophic consequences. The downstream damage to communities from erosion and the effect on water quality is significant. The potential for legal challenges and curtailment of the agency's forest restoration efforts could easily result from this continued neglect of the Forest Service's transportation system. We recommend funding for Roads be restored to the FY 2016 enacted level, an increase of \$22.1 million.

International Programs - Although small in the overall context of the Forest Service Budget, this budget line item has furthered the standing of the United States across the world in management of natural resources. The Forest Service has successfully leveraged the small amount of appropriation at close to a 4:1 ratio in order to operate worldwide in over 90 countries. We urge the Subcommittee to consider increasing this funding to at least \$12 million in the FY2017 Budget, sending a clear signal that International Programs is a key element off the Forest Service mission. At \$12 million, this program would have to be one of the best budgetary “bargains in town.”

## **CONCLUSION**

NAFSR is a national, nonprofit organization of former Forest Service employees and associates who advocate in support of the multiple use mission of the Forest Service. Members of the Association possess a unique body of knowledge, expertise and experience in the management of the National Forests, other public lands, forestry research, state and private forestry assistance, agency history, laws and regulations, and international forestry. Members of NAFSR are devoted to contributing to understanding and resolving natural resource issues through education, independent and cooperative analysis, and periodic review and critiques of agency policies and programs.

Mr. Chairman and members of the Subcommittee, this concludes NAFSR's statement for the record. We close by once again expressing our sincere appreciation for your commitment to supporting the mission of the Forest Service and for your support of a program of work that supports restoring our nation's forests and rangelands and preventing the effects of catastrophic wildfire. We are ready to assist Subcommittee at any time with further recommendations.

TESTIMONY OF DAVID TERRY, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION  
OF STATE ENERGY OFFICIALS, BEFORE THE HOUSE INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE IN SUPPORT OF  
FY'17 U.S. ENVIRONMENTAL PROTECTION AGENCY FUNDING

March 17, 2016

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, I am David Terry, Executive Director of the National Association of State Energy Officials (NASEO), which represents the 56 State and Territory Energy Offices. NASEO is submitting this testimony in support of funding for the ENERGY STAR program (within the Climate Protection Partnership Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least \$55 million, including specific report language directing that the funds be utilized only for the ENERGY STAR program. The ENERGY STAR program is successful, voluntary, and cost-effective. The program has a proven track record – it makes sense, it saves energy and money and Americans embrace it. With a slowly recovering economy, ENERGY STAR helps consumers and businesses control expenditures over the long term. The program is strongly supported by product manufacturers, utilities and homebuilders, and ENERGY STAR leverages the states' voluntary efficiency actions. Voluntary ENERGY STAR activities are occurring in public buildings, such as schools, in conjunction with State Energy Offices, in Alabama, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia Washington, West Virginia, Wisconsin, and Wyoming.

The ENERGY STAR program is focused on voluntary efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with states, local governments, communities and business to achieve these goals in a cooperative, public-private manner. NASEO has worked very closely with EPA and approximately 40 states are ENERGY STAR Partners. With very limited funding, EPA's ENERGY STAR program works closely with the State Energy Offices to give consumers and businesses the opportunity to make better energy decisions and catalyzes product efficiency improvements by manufacturers without regulation or mandates.

ENERGY STAR focuses on energy efficient products as well as buildings (e.g., residential, commercial, and industrial). Americans purchased more than 320 million ENERGY STAR certified products in 2014 across more than 70 product categories for a cumulative total exceeding 5.2 billion products since 1992. The ENERGY STAR label is recognized across the United States. In 2014, 89 percent of households recognized the ENERGY STAR label when it was shown to them. This constitutes an increase of 48 percent since the Consortium for Energy Efficiency first conducted the National Awareness of ENERGY STAR survey in 2000. It makes the work of the State Energy Offices much easier, by working with the public on easily recognized products, services, and targets. In order to obtain the ENERGY STAR label a product has to meet established guidelines. ENERGY STAR's voluntary partnership programs include ENERGY STAR Buildings, ENERGY STAR Homes, ENERGY STAR Small Business, and ENERGY STAR Labeled Products. The program operates by encouraging consumers and

working closely with state and local governments to purchase these products and services. Marketplace barriers are also eradicated through education. State Energy Offices are working with EPA to promote ENERGY STAR products, ENERGY STAR for new construction, ENERGY STAR for public housing, etc. A successful example of how State Energy Offices are leveraging this key national program is the Nebraska Energy Office, which since 2005, has utilized ENERGY STAR as the standard for certifying home and office electronics that are eligible under the state's successful and long-running Dollar and Energy Savings Loan program.

In 2014, millions of consumers and 16,000 voluntary partners, that included manufactures, builders, businesses, communities and utilities, tapped the value of ENERGY STAR and achieved impressive financial and environmental results. Their investments in energy-efficient technologies and practices reduced utility bills by \$34 billion.

An estimated 93,000 homes were improved through the whole house retrofit program, Home Performance with ENERGY STAR (HPwES) in 2014. This work was performed by 48 locally sponsored programs and more than 2,100 participating contractors across the nation. Since the program's inception, more than 400,000 homes have been improved through HPwES. Over 30 states, including Alabama, California, Kentucky, Minnesota, Nevada, and Pennsylvania, operate or support the Home Performance with ENERGY STAR programs.

The State Energy Offices are very encouraged with progress made at EPA and in our states to promote programs to make schools more energy efficient, in addition to an expanding ENERGY STAR Business Partners program. In Kentucky, the state has partnered with school districts and engineering firms to advance ENERGY STAR rated schools, resulting in more than 325 ENERGY STAR rated schools in the state, a 67% increase since 2012. Over the past few years, Kentucky has moved aggressively to promote and build zero-net energy schools. Other states that have over 150 ENERGY STAR rated schools include Arizona, California, Colorado, Florida, Georgia, Indiana, Michigan, Minnesota, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington and Wisconsin. Over 27 percent of Utah's K-12 schools are certified as ENERGY STAR.

EPA provides technical assistance to the State Energy Offices in such areas as ENERGY STAR Portfolio Manager (how to rate the performance of buildings), setting an energy target, and financing options for building improvements and building upgrade strategies. ENERGY STAR Portfolio Manager is used extensively by State Energy Offices to benchmark performance of state and municipal buildings, saving taxpayer dollars. Portfolio Manager is the industry-leading benchmarking tool used voluntarily by more than 325,000 commercial buildings. Portfolio Manager is used to measure, track, assess, and report energy and water consumption.

Additionally, the industrial sector embraces ENERGY STAR and companies such as GM, Eastman Chemical, Nissan, Raytheon, Boeing and Toyota are recognized for sustained energy excellence by the program. At the close of 2014, the number of industrial sites committed to the ENERGY STAR Challenge for Industry grew, while 306 sites met or exceeded their targets by achieving an average 20% reduction in industrial energy intensity.

The State Energy Offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and

policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. We encourage these continued efforts.

**Conclusion**

The ENERGY STAR program saves consumers billions of dollars every year. The payback is enormous. NASEO supports robust program funding of at least \$55 million in FY'17. Funding for the ENERGY STAR program is justified. It's a solid public-private relationship that leverages resources, time and talent to produce tangible results by saving energy and money. NASEO endorses these activities and the State Energy Offices are working very closely with EPA to cooperatively implement a variety of critical national programs without mandates.

**Contact:** David Terry, NASEO Executive Director ([dterry@naseo.org](mailto:dterry@naseo.org)); and Jeff Genzer, NASEO Counsel ([jcg@dwgpn.com](mailto:jcg@dwgpn.com)).

**Written Public Testimony of the National Association of State Foresters  
Submitted to the House Subcommittee on Interior, Environment, and Related Agencies  
Concerning FY 2017 USDA Forest Service Appropriations**

March 23, 2016

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies regarding our fiscal year (FY) 2017 appropriations recommendations. Our priorities focus primarily on appropriations for the USDA Forest Service (Forest Service) State and Private Forestry (S&PF) programs.

State Foresters deliver technical and financial assistance, along with forest health, water and wildfire protection for more than two-thirds of the nation's 751 million acres of forests. The Forest Service S&PF mission area provides vital support to deliver these services, which contribute to the socioeconomic and environmental health of rural and urban communities. The comprehensive process for delivering these services is articulated in each State's Forest Resource Assessment and Strategy (State Forest Action Plan), authorized in the 2008 Farm Bill and continued in the Agriculture Act of 2014.

Your support of the following programs is critical to helping states address the many and varied challenges outlined in Forest Action Plans.

**Wildland Fire and Forest Fuels**

**Wildland Fire Funding:** State Foresters ask for your continued support to pass legislation that fixes the broken wildfire funding system and addresses much-needed forest management reforms, either separately or in tandem.

The current wildfire suppression funding model and cycle of fire transfers and repayments continues to the challenge the Forest Service's ability to achieve its overall mission and negatively impacts Agency programs of priority to State Foresters. Additionally, the increasing 10-year average has not met annual suppression needs since before FY 2002. We are thankful to the Committee for the full transfer repayment and increased suppression funding in FY 2016. However, we understand this is not expected to occur every year. The Department of the Interior and the Forest Service need a long-term fire funding solution that would result in stable and more predictable budgets.

In addition to the wildfire funding challenges are the challenges posed by the nation's unhealthy, overgrown and fire-prone federal forests. **We support environmentally responsible forestry reforms on federal lands as part of the funding remedy or as a separate effort.**

**State Fire Assistance (SFA):** More people living in fire-prone landscapes, high fuel loads, drought, and unhealthy landscapes are among the factors that led most State Foresters to identify wildland fire as a priority issue in their state Forest Action Plans. We now grapple with increasingly expensive and complex wildland fires - fires that frequently threaten human life and property. In 2015 there were 68,151 wildfires with a record-breaking more than 10 million acres burned. **Eighty percent of the total number of fires were where state and local departments had primary jurisdiction.** Twenty-seven percent of the total acres burned were on state and private lands. **In 2015, 85 percent of all local and state crews and engine dispatched outside of their geographic area were responding to federal fires, primarily on initial attack.**

**Attacking fires when they are small is the key to reducing fatalities, injuries, loss of homes and cutting federal fire-fighting costs.**

SFA and Volunteer Fire Assistance (VFA) are the fundamental federal mechanisms for assisting states and local fire departments in responding to wildland fires and in conducting management activities that mitigate fire risk on non-federal lands. SFA helps train and equip local first responders who are often first to arrive at a wildland fire incident and who play a crucial role in keeping fires and their costs as small as possible. A small investment of SFA funds supports state forestry agencies in accessing and repurposing equipment from the Federal Excess Personal Property and the Firefighter Property programs. In fiscal year 2015, these two programs delivered more than \$169 million in equipment for use by state and local first responders. ***NASF supports funding the State Fire Assistance program at \$87 million and Volunteer Fire Assistance at \$15 million in FY 2017. These are the 2011/12 enacted levels. The need for increased funding for fire suppression has broad support and the administration's budget recommends a 12 percent funding increase to meet the anticipated fire threat. The need to increase fire suppression funding for state and private lands, where 80 percent of wildfires occur, is just as urgent.***

### **Forest Pests and Invasive Plants**

Also among the greatest threats identified in the state Forest Action Plans are native and non-native pests and diseases. These pests and diseases have the potential to displace native trees, shrubs and other vegetation types in forests; the Forest Service estimates that hundreds of native and non-native insects and diseases damage the nation's forests each year. **They are also devastating the trees and forests of America's cities and towns. (The cost of replacing a single street tree is approximately \$1000.)** The growing number of damaging pests and diseases are often introduced and spread by way of wooden shipping materials, movement of firewood, and through various types of recreation. In 2010, approximately 6.4 million acres suffered mortality from insects and diseases<sup>1</sup> and there is an estimated 81.3 million acres at risk of attack by insects and disease over the next 15 years.<sup>2</sup> These losses threaten clean and abundant water availability, wildlife habitat, clean air, and other environmental services. Furthermore, extensive areas of high insect or disease mortality can set the stage for large-scale, catastrophic wildfire.

The Cooperative Forest Health Management program supports activities related to prevention, monitoring, suppression, and eradication of insects, diseases, and plants through provision of technical and financial assistance to states and territories to maintain healthy, productive forest ecosystems on non-federal forest lands. **Forest pests know no bounds. Controlling pests on private lands can stop millions of dollars in damage much of which would occur on public lands.** The Cooperative Forest Health Management program plays a critical part in protecting communities already facing outbreaks and in preventing exposure of more forests and trees to the devastating and costly effects of exotic and invasive pests and pathogens. ***NASF supports funding the Forest Health Management—Cooperative Lands Program at \$48 million in FY 2017. (2012 enacted level.)***

### **Assisting Landowners and Maintaining Working Forest Landscapes – Forest Stewardship Program**

Working forest landscapes are a key part of the rural landscape, providing an estimated 900,000 jobs, clean water, wood products, and other essential services to millions of Americans. Private forests make up two-

<sup>1</sup> Man, Gary. 2011. Major Forest Insect and Disease Conditions in the United States: 2010 Update. Last accessed on March, 5, 2015 at: [http://www.fs.fed.us/foresthealth/publications/ConditionsReport\\_2011.pdf](http://www.fs.fed.us/foresthealth/publications/ConditionsReport_2011.pdf)

<sup>2</sup> Tkacz, Bory, et al. 2014. NIDRM 2012 Report Files: Executive Summary. Last accessed on March, 5, 2015 at: [http://www.fs.fed.us/foresthealth/technology/pdfs/2012\\_RiskMap\\_Exec\\_summary.pdf](http://www.fs.fed.us/foresthealth/technology/pdfs/2012_RiskMap_Exec_summary.pdf)

thirds of all the forestland in the United States and support an average of eight jobs per 1,000 acres.<sup>3</sup> However, the Forest Service estimates that 57 million acres of private forests in the U.S. are at risk of conversion to urban development over the next two decades. Programs like the Forest Stewardship Program and Forest Legacy Program are key tools identified in the state Forest Action Plans for keeping working forests intact and for providing a full suite of benefits to society. Almost 90 percent of those who have stewardship plans, implement them. **Almost 50 percent of the nation's wood supply comes from small landowners who are the target of this program.** Last year this program assisted over 323,000 landowners. **Again fires and diseases know no bounds.** A robust program has positive impacts on the nation's watersheds, wildlife habitat and neighboring public lands. **NASF supports funding the Forest Stewardship Program at \$29 million in FY 2017. \$29 million is the FY 2012 enacted amount. The need for increased funding on federal lands for more active management has broad support and the administration's budget recommends an eight percent increase over last year's enacted budget line item. The need to increase funding on state and private lands is just as urgent.**

#### **Forest Legacy Program**

This program provides critical federal assistance to states and private landowners to **keep working forests working through permanent conservation easements and in some cases, fee acquisitions.** Each easement acquisition is required to have a long-term forest stewardship plan.

Working forests play an important role to sustain the economic, ecological, and social well-being of America's rural and urban areas through the jobs they support and the benefits they provide, such as wildfire threat reduction, clean air and water, wildlife habitat, and outdoor recreation space. **NASF supports funding the Forest Legacy Program at \$62 million in FY 2017. (NASF supports the program being fully funded from the Land and Water Conservation Fund and not be included in the discretionary budget cap. NASF also recommends report language requiring coordination with State Foresters prior to recommendation and selection of easements and acquisitions due to land management considerations and tax implications.)**

#### **Urban and Community Forest Management Challenges**

Urban forests are important to achieving energy savings, improved air quality, neighborhood stability, aesthetic value, reduced noise, and improved quality of life in municipalities and communities around the country. **There are demonstrable studies that show positive impacts urban trees and forests have on: childhood asthma, mitigating the impacts of auto exhaust, reducing home heating and air conditioning costs, providing economically viable solutions for storm water absorption, and even reducing crime rates.** In fact, urban forests have been shown to provide environmental, social, and economic benefits to the more than 80 percent of Americans living in urban areas.<sup>4</sup> Yet, urban and community forests face serious threats, such as development and urbanization, invasive pests and diseases, and fire in the wildland urban interface (WUI).

Since its expansion under the Cooperative Forestry Assistance Act of 1990 (CFAA), the Forest Service's Urban and Community Forestry (U&CF) Program has provided technical and financial assistance to promote stewardship of urban forests in communities of all sizes across the country. The program is delivered in close partnership with State Foresters and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. The program directly serves more than 7,000 communities across the United States. In terms of climate change

<sup>3</sup> Forest2Market. *The Economic Impact of Privately-Owned Forests*. 2009.

<sup>4</sup> United States Census Bureau, *Growth in Urban Population Outpaces Rest of Nation*, Census Bureau Reports. Available at [https://www.census.gov/newsroom/releases/archives/2010\\_census/cb12-50.html](https://www.census.gov/newsroom/releases/archives/2010_census/cb12-50.html). Last Accessed March 5, 2015.

mitigation and effectiveness, urban and community activities including tree planting have virtually no detractors. The program has over a 2:1 match for federal dollars provided for this program. ***NASF supports funding the Urban and Community Forestry program at \$31 million in FY 2017.***

#### **Importance of Forest Inventory Data in Monitoring Forest Issues**

The Forest Inventory and Analysis program (FIA) enables forest managers and the natural resource community to understand the scope and scale of trends and changes in forest conditions and to make projections of future conditions. Funding for FIA supports state and private lands, which account for two-thirds of America's forests and provide public benefits such as clean air and water, wildlife habitat, outdoor recreation, jobs and wood products.

NASF is concerned with the recent proposed and realized reductions to the USDA Forest Service Research and Development budget and recommends a total R&D funding level of \$303 million—\$83 million allocated to FIA. ***NASF supports funding the Forest Inventory and Analysis program at \$83 million in FY 2017.***

#### **Landscape Scale Restoration**

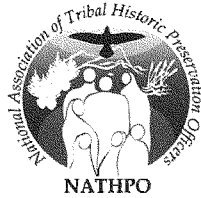
National priority Landscape Scale Restoration (LSR) projects are a key way that states, in collaboration with the USDA Forest Service and other partners, address critical forest priorities across the landscape. LSR projects focus only on the most critical priorities identified in each state's Forest Action Plan and on achieving national goals as laid out in the State and Private Forestry national themes. As a result, LSR contributes to achieving results across the landscape and to making meaningful local, regional, and national impacts.

Competitive allocation of Cooperative Forestry Assistance Act funds was codified in the 2008 Farm Bill. The LSR budget line item was subsequently included in the fiscal year 2014 appropriations bill as the funding mechanism for a competitive process aimed at addressing critical priorities identified in state Forest Action Plans and based on the tenets of the State and Private Forestry redesign effort—conserve working forest landscapes, protect forests from harm, and enhance public benefit from trees and forests.

LSR allows state forestry agencies to target resources toward the highest priority forest needs in a state, group of states, or region, while also meeting national priorities.

Regional review teams comprised of state and federal officials with knowledge of the on-the-ground realities within the region carry out a rigorous review process to select the LSR projects that will receive funding within their region. Selected LSR projects are, as a result, the best and most ground-truthed landscape-scale, cross-boundary, outcome-driven projects.

***NASF supports funding the Landscape Scale Restoration program at \$23 million in FY 2017. NASF does not support increases in this program coming at the expense of other programs described above. NASF also supports report language which requires additional funding over FY 2016 levels for LSR to be allocated for the highest national priorities as identified in each of the State Forest Action Plans as determined by each State Forester.***



NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS

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**TRIBAL CULTURAL PRESERVATION NEEDS IN FY2017**  
**Testimony to the House Appropriations Subcommittee on the**  
**Interior, Environment and Related Agencies Budget, Fiscal Year 2017**

The National Association of Tribal Historic Preservation Officers (NATHPO) is pleased to submit testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies regarding Fiscal Year 2017 budgetary needs for tribal cultural preservation activities. Each of the recommended line item amounts are discussed in detail below.

1. National Park Service, Historic Preservation Fund, Tribal line item (\$11.985 million)
2. Office of International Affairs, for a national study on trafficking (\$1 million)
3. National Park Service, National NAGPRA Program:
  - a. Exclusively for NAGPRA Grants (\$2.331 million)
  - b. Program administration (\$1 million for Program/Alternative Use)
4. Bureau of Indian Affairs – Create line items and support the following divisions:
  - a. 12 Regional Offices support for Cultural Resource compliance (\$3 million)
  - b. Central Office cultural resource efforts throughout the bureau (\$200,000)
  - c. NAGPRA compliance work (\$765,000)
  - d. To fight ARPA crimes on Indian reservations (\$200,000)
5. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office (\$1.25 million)

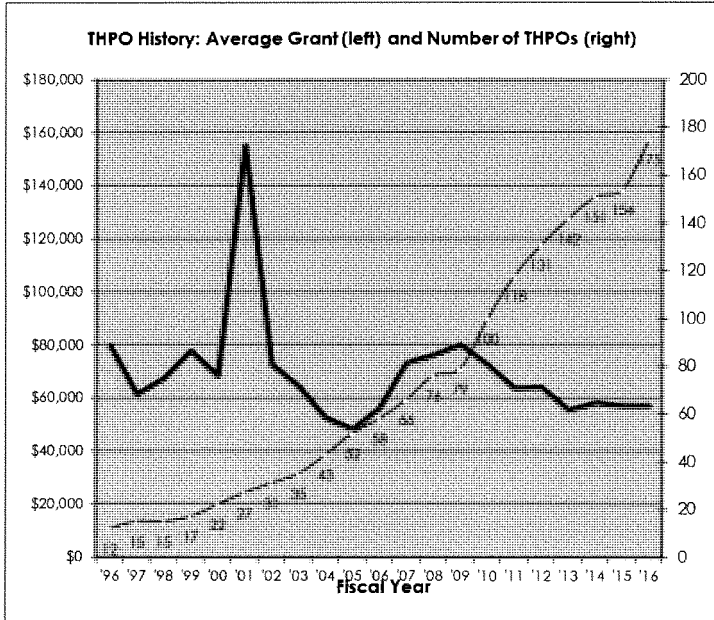
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**1. National Park Service, Historic Preservation Fund – Tribal line item (\$11.985 million)**

As of March 8, 2016, there are 167 National Park Service (NPS)-recognized Tribal Historic Preservation Officers (THPOs). Each THPO represents an affirmative step by an Indian tribe to assume the responsibilities of the State Historic Preservation Officers (SHPOs) for their respective tribal lands, as authorized by Congress in the 1992 amendments to the National Historic Preservation Act (NHPA). Collectively, these THPOs exercise responsibilities over a land base exceeding 30 million acres in 30 states. The Historic Preservation Fund (HPF) is the sole source of federal funding for THPOs and the main source of funding to implement the nation's historic preservation programs and its revenues are generated from oil and gas development on the outer Continental Shelf.

**What is at stake without additional funds for Indian tribes?** Without an increase in FY2017 to take into account the expected increase in the number of tribes participating in the THPO program, Native American cultural properties located on millions of acres of tribal lands are at risk. For the past several years, each THPO program has been asked to conduct important federal compliance work mandated by the NHPA with an artificially low and inadequate level of financial resources. In the first year of congressional funding support for THPOs (FY1996), the original 12 THPOs each received an average of \$83,000 per THPO. There are currently 167 THPOs in FY16 and there is an expectation that there will be at least 175 THPOs in FY17. If 175 Tribes each received the average \$83,000 per THPO received in FY 1996, Congress would need to appropriate much more than the current level of funding.

It is essential that THPO programs be provided with adequate funding to meet the increasing needs and demands on their time to comply with federal, state, and tribal laws. Funding for THPO programs overall cannot remain static or decrease while the number of THPOs participating in the program continues to increase. This chart demonstrates the program growth and an unmet funding need:



#### Additional National Park Service Programs, Historic Preservation Fund:

In addition to the Tribal line item in the Historic Preservation Fund, NATHPO supports FY2017 appropriations for other line items of the Historic Preservation Fund:

- \$55 million for State Historic Preservation Officers
- \$25 million to assist in documenting and protecting historic properties related to the Civil Rights Movement and the African American experience (new grant program)
- \$3 million for Historically Black Colleges and Universities
- \$500,000 underrepresented communities in the historic preservation movement grant program

#### **2. Office of International Affairs, Interior Department (\$1 million)**

Over the past few years, overseas auctions of sacred objects and objects of cultural patrimony have been occurring at an alarming rate. To date there is no definitive resource of information on these items for sale. NATHPO calls upon the Office of International Affairs to conduct a national study to determine the scope of illegal trafficking in tribal cultural items domestically and internationally and to identify, in consultation with Indian tribes, Alaska Natives, and Native Hawaiian organizations, recommendations to end illegal trafficking and export of tribal cultural items and secure repatriation to the respective entity.

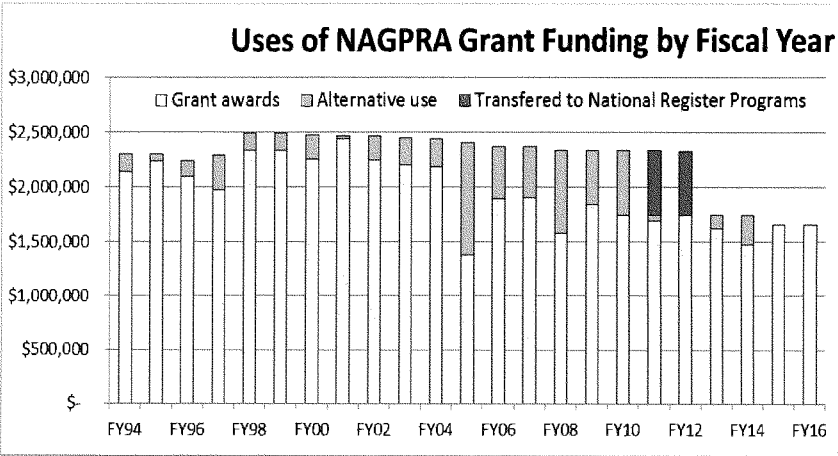
3. National Park Service, National NAGPRA Program

The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the disposition of Native American cultural items<sup>1</sup> removed from Federal or tribal lands, or in the possession or control of museums or federal agencies, to lineal descendants, Indian tribes, or Native Hawaiian organizations based on descent or cultural or geographic affiliation. NAGPRA prohibits trafficking of Native American cultural items and created a grants program exclusively for Indian tribes, Native Hawaiian organizations, and public museums.

NAGPRA Grants Program:

a. \$2.331 million to be used exclusively for NAGPRA Grants to Indian tribes, Native Hawaiian organizations, and museums. We recommend that the Committee restore the amount that the NAGPRA grants program received each year for most of its history prior to when the NPS began to divert a greater amount of funds for administrative use within the cultural resource division. Starting in FY2011, the NPS first "cut" the \$2.3 million NAGPRA grants program by transferring \$581,000 to fund NPS "cultural resources/National Register programs" via an "internal transfer or other non-policy/program change," and with other NPS reductions, only \$1.698 million was awarded in actual grants. NATHPO also requests that steps be taken to ensure that these moneys are used exclusively for grants to Indian tribes, Native Hawaiian organizations, and museums and not for continued internal transfers for other NPS purposes.

This chart demonstrates the diversion of NAGPRA Grants to NPS administration:



Administration of National NAGPRA Program:

b. \$1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs.

<sup>1</sup> Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

#### **4. Bureau of Indian Affairs – Create line items and support the following divisions:**

The BIA has federally mandated responsibilities to work with Indian tribes and comply with the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and NAGPRA. Currently the BIA does not have any budget line items that are devoted to complying with these federal laws, nor does the BIA have resources dedicated to compliance with the Archaeological Resources Protection Act (ARPA) and executive orders and directives in the cultural resource field. Funds are not only needed for the BIA to comply with their internal development efforts, such as roads and forestry, but also to conduct project reviews of outside development projects, such as oil and gas development that are estimated to number over 7,000 per year. ARPA crime on Indian reservations continues to be a major problem, as looters and traffickers continue to steal valuable cultural resources from tribal and federal lands. The BIA does not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian country and we urge the creation of a dedicated line item within the BIA. In 2010, the Government Accountability Office (GAO) released the results of their audit that included the BIA, "NAGPRA: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act." This report marked the first time that federal auditors have examined a major federal Indian law enacted to facilitate the return of Native American human remains and cultural objects. In order to comply with the GAO recommendations, the BIA needs to devote funds to comply with NAGPRA, but at this time, no line item is dedicated for this function.

NATHPO recommends the BIA create line items and support the following divisions:

- a. To support Cultural Resource compliance at the 12 Regional BIA Offices (\$250,000 x 12 regional offices = \$3 million)
- b. Central Office cultural resource efforts throughout the bureau (\$200,000)
- c. NAGPRA compliance work (\$765,000)
- d. To fight ARPA crimes on Indian reservations (\$200,000)

#### **5. Smithsonian Institution, National Museum of the American Indian and the National Museum of Natural History Repatriation Programs**

NATHPO requests that the Smithsonian Institution receive \$1.25 million for its repatriation activities, including operation costs of the Review Committee and repatriation office.

#### *Background Information:*

- ***What are Tribal Historic Preservation Officers (THPOs)?*** THPOs are federally recognized tribal governments that have entered into an agreement with the Department of the Interior to assume the federal compliance role of the SHPO, as codified in 36 CFR Part 800. They are actively involved with projects to improve Indian schools, roads, health clinics and housing. THPOs are also the first responders when a sacred site is threatened, when an ancestral home is uncovered, and when Native ancestors are disturbed by development. THPOs are also often responsible for their tribe's oral history programs and operating tribal museums and cultural centers. They perform many functions and responsibilities in Indian country and, through their activities, represent an active expression and exercise of tribal sovereignty. For the past 15 years, these programs have become increasingly popular and successful with tribal governments.
- ***What is the National Association of Tribal Historic Preservation Officers?*** NATHPO is a national not-for-profit membership association of tribal governments that are committed to preserving, rejuvenating, and improving the status of tribal cultures and cultural practices by supporting Native languages, arts, dances, music, oral traditions, cultural properties, tribal museums and cultural centers, and tribal libraries. NATHPO assists tribal communities protect their cultural properties, whether they are naturally occurring in the landscape or are manmade structures. In addition to members who serve as the Tribal Historic Preservation Officer (THPO) for their respective tribe, our membership includes Indian tribes that support our mission and goals.



# The National Center<sup>for</sup> American Indian Enterprise Development

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Statement

of

Gary Davis, President/CEO

of

The National Center for American Indian  
Enterprise Development

on

FY 2017 Budget Requests for Indian Programs

For the

Subcommittee on Interior, Environment, and  
Related Agencies

Of the

House Committee on Appropriations

March 17-18, 2016



# The National Center *for* American Indian Enterprise Development

Statement  
Of  
Gary Davis, President/CEO  
Of  
The National Center for American Indian Enterprise Development  
For the  
Hearing for American Indian/Alaska Native Public Witnesses  
Of the  
Subcommittee on Interior, Environment, and Related Agencies  
House Committee on Appropriations  
March 17-18, 2016

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, I am Gary Davis, Cherokee Nation of Oklahoma tribal member, and President/CEO of the National Center for American Indian Enterprise Development (NCAIED or the National Center). The National Center appreciates this opportunity to present Fiscal Year (FY) 2017 funding requests within Interior Appropriations, including \$15 million for the Indian Loan Guarantee Program and several other Budget Requests for increases to support business, economic and energy development in Indian Country.

Now in its 5<sup>th</sup> decade of operations, the National Center assists Indian Tribes, tribal enterprises, Alaska Native regional and village corporations, Native Hawaiian Organizations, and American Indian, Alaska Native and Native Hawaiian business owners and entrepreneurs with their business, financing and contracting needs, including trainings, business development and other guidance, marketing tools, access to capital, and procurement technical assistance. In addition to providing these offerings 24 hours, 7 days a week through our new **Native Edge** web portal, we host national and regional Reservation Economic Summits (RES). This week, March 21-24, we are presenting our 30<sup>th</sup> Anniversary National RES in Las Vegas, featuring Business Boot Camp and many other training sessions focused on business and economic development, a full day of procurement and business matchmaking, and a two-day trade show. Several sessions focus on access to capital, the focus of this statement.

## **Overview of FY 2017 Budget Requests for Indian Programs**

From the perspective of the National Center, the President's FY 2017 Budget Requests respond favorably to Indian Tribes' call for increases in myriad Tribal programs, representing roughly 5% and 8% hikes in funding for the Bureau of Indian Affairs (BIA) and Indian Health Service, respectively, as well as fully funding Contract Support Costs. We are excited about the significant emphasis on Native youth through the Generation Indigenous Initiative, especially the components focused on Youth Entrepreneurship. The National Center hosted a successful "Youth Entrepreneurship Summit" (YES!) at our regional RES New Mexico last November for over 200 students who traveled from nearby Pueblos and



## The National Center *for* American Indian Enterprise Development

Indian Tribes from out of state. Our RES Oklahoma in mid-July will feature another full day of YES! sessions for students from dozens of Tribes in Oklahoma and surrounding states.

### **Properly Fund Interior's Indian Loan Guarantee Program**

One major shortcoming in the FY 2017 Budget Requests is the failure to increase needed funding for the Indian Loan Guarantee Program of the Department of the Interior (DOI). This year, Congress must double the funding for this important program.

The FY 2017 Request basically level funds this program with \$7.57 million, with a tiny increase to cover inflation, and an inexplicable reduction in the cap on the aggregate value of loans subject to federal guarantee – from the FY 2016 level of \$113 million down to \$105.9 million – despite the huge demand for this program. Instead, we urge the Subcommittee to approve \$15 million, an increase of about \$7.4 million that would be modest and yet afford a huge jump in aggregate value of private sector loans that could be guaranteed (upwards of \$250 million) to support business and economic development in Indian Country.

This loan guarantee program has proven to be a very successful leveraging tool that incentivizes private sector lenders to finance tribal projects, tribal enterprises, and businesses owned by Native Americans. Yet the current funding level prevents the program from keeping pace with burgeoning demands for business and economic development capital in Indian Country where most private banks will not lend because they deem the risks too high. The banks certified to receive these guarantees will lend to Tribes and Indian businesses on Indian lands even though such lands cannot be used as collateral for the loans, and will consent to tribal court jurisdiction to resolve disputes or claims (which are rare). (By contrast, SBA's loan guarantee program is more difficult to use with Indian loans, and it requires claims adjudication in federal court, which Tribes resist.)

Recognizing the need to expand this key program, Congress authorized a major increase in 2006 for the aggregate limit on guaranteed loans from \$500 million to \$1.5 billion. However, due to insufficient funding for the program's credit subsidy, the annual aggregate of guaranteed loans has hovered around only \$100 million. In FY 2015, the program was funded at about \$7.7 million, and the entire guarantee allocation was exhausted four months before the end of the fiscal year – leaving a backlog of pending loan applications approaching another \$100 million. At the current funding level, the guarantee allocation for FY 2016 likely will be exhausted even earlier this year!

The program enjoys a strong track record of successful projects, a very low default rate, and could infuse hundreds of millions more dollars into Indian Country if expanded significantly. As the program produces a remarkable return of \$15 in private sector funds for every \$1 of federal funds invested, Congress should appropriate \$15 million for the Indian Loan Guarantee Program for FY 2017 to support at least \$250 million in private lending.

Funding for the Indian Loan Guarantee Programs at \$15 million is supported by the National Center, the National Congress of American Indians, the Native American Finance Officers



## The National Center <sup>for</sup> American Indian Enterprise Development

Association, and many other national and regional Native American organizations representing Indian Tribes, Alaska Native regional and village corporations, tribal enterprises and Native American-owned businesses nationwide.

### **Other Programs Facilitating Business and Economic Development in Indian Country**

The National Center also supports and urges approval of the following FY 2017 Budget Requests as modest initiatives that leverage or spur substantial development in Indian Country:

***Carcieri:*** The Interior Budget Requests include general provisions to restore parity among tribes striving to protect and enhance their original land base, or to reacquire some of the lands they lost, by confirming the Secretary of Interior's authority to acquire land in trust for any federally recognized tribe. Approval is imperative.

**Streamlining and Capacity Building:** Approving the requested increases for the following initiatives will help streamline delivery of technical and financial assistance to accelerate business, economic and energy development in Indian Country:

- \* \$4 million for the BIA's "Native-One-Stop" initiated in 2015 to facilitate Tribes' search for and access to federal resources;

- \* \$1 million to assist Tribes in adopting uniform commercial codes to strengthen their legal infrastructure and promote credit and other capital transactions that will spur business and economic development; and

- \* \$5 million for the Indian Energy Service Center for its Tribal Energy Program to provide technical and financial assistance to tribal communities to deploy small to medium-scale renewable energy generation projects.

**Support for the Office of Indian Energy and Economic Development:** In addition to the increases requested for the energy components of this important Office, we recommend that some additional funding be provided for activities of the Economic Development Division.

In closing, I want to thank the Subcommittee for the opportunity to present these requests to increase support for the above programs that invest federal dollars as leverage to multiply exponentially the amount of private capital invested in business and economic development in Indian Country.



Parents as Teachers®

March 23, 2016

The Honorable Ken Calvert  
Committee on Appropriations  
Subcommittee on Interior, Environment  
and Related Agencies  
Washington, DC 20515

The Honorable Betty McCollum  
Committee on Appropriations  
Subcommittee on Interior, Environment  
and Related Agencies  
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum,

On behalf of the National Center for Families Learning (NCFL) and Parents as Teachers (PAT), thank you for accepting our comments in regard to Fiscal Year (FY) 2017 appropriations. We are writing specifically to request an increase of \$4 million for the Bureau of Indian Affairs' (BIE) Family and Child Education program (FACE) in the FY2017 Interior, Environment, and Related Agencies Appropriations bill.

NCFL is a non-profit organization dedicated to inspiring and engaging families to learn together. NCFL works in partnership with the Bureau of Indian Education to provide comprehensive center-based educational services to families. The FACE family literacy and family engagement model is focused on high-quality instruction for children and adults, professional development and evaluation. This unique dual-generation approach to education implements an early childhood education approach while simultaneously meeting the unmet academic needs of parents. Adult students also address their parenting skills and support for their child, which has lasting effects.

PAT is an internationally recognized network of organizations and professionals that supports families through a proven parent education model featuring in-home visits with parents and children. This evidence-based home visiting model was developed more than 30 years ago and consistently yields improvement in children's development across multiple domains, increasing their school readiness and improving parent knowledge of early childhood development and parenting practices, identifying delays and health issues and preventing child abuse and neglect. Since the launch of the FACE program in the 1990-1991 schoolyear, PAT has been administering its home-based services, and has seen incredible results.

FACE is the only federally funded early childhood education program operated through the BIE, and is uniquely suited to serve tribal communities because of its two-generation approach. The

program has served well over 40,000 participants since its inception. The primary goals of FACE are to support parents as the primary caregivers in their role as their child's first and most influential teacher; increase parent participation in their child's learning and expectations for academic achievement; support and celebrate the unique cultural and linguistic diversity of each community served; strengthen family-school-community connections; and promote lifelong learning. NCFL and PAT have partnered with the BIE to support FACE since its inception.

Each year, the BIE sponsors an independent evaluation of FACE. Findings include increased literacy activities in homes- 78 percent of FACE parents read to their children daily as compared to a national average of 38 percent, a narrowed gap on benchmarks in school readiness and the reduced need for school-aged special education by 50 percent for children who were identified for early childhood special education. Furthermore, FACE parents are more involved in their child's education and participate in school events, help with homework and serve on school committees. Additional impacts on families include economic mobility, such as increased acquisition of GEDs and jobs; many parents have gone on to work in early childhood education in their communities, including as FACE employees, upon completion of the program.

In FY 2016, the FACE program was flat-funded at \$15.5 million. The President's FY 2017 Budget request included an increase of \$4 million for Early Childhood and Family Development. The request proposed that the increase be used to fund approximately 14 new FACE programs. Both NCFL and PAT strongly support the President's request to expand FACE sites, and we urge you to include this request in the FY2017 Interior, Environment, and Related Agencies Appropriations bill.

As you may know, this year marks the 25th anniversary of the FACE program. At this major milestone, we are reminded of the significant impact this program has made on the lives of American Indian families. We are encouraged by the results we see and eager to work with additional families and young children through the FACE program to bring even more success stories to Indian communities.

The FACE program is a success story at the BIE and must retain its decades of Congressional support. If you have any questions about FACE, please feel free to contact Joshua Cramer at [jcramer@familieslearning.org](mailto:jcramer@familieslearning.org) or Diane Givens, [diane.givens@parentsasteachers.org](mailto:diane.givens@parentsasteachers.org).

Sincerely,



Sharon Darling  
Founder and President  
National Center for Families Learning

Scott Hippert  
President and CEO  
Parents as Teachers

# NCSHPO

National Conference of State Historic Preservation Officers

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Elizabeth Hughes, President  
National Conference of State Historic Preservation Officers and  
Maryland State Historic Preservation Officer  
Testimony before the  
U. S. House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
The Honorable Ken Calvert, Chairman

March 17, 2016

## **Fiscal Year 2017 Historic Preservation Fund (HPF) Total Request:**

- \$55 million for State Historic Preservation Offices (SHPOs), including \$5 million for a competitive grant program for finding and documenting America's historic places
- \$11.98 million for Tribal Historic Preservation Offices (THPOs)
- \$25 million for competitive grant programs related to Civil Rights
- \$3 million Historically Black Colleges and Universities (HBCUs) to document, interpret, and preserve the stories and sites associated with the Civil Rights Movement

Funded through withdrawals from the Historic Preservation Fund (16 USC 470*h*) U. S. Department of the Interior's National Park Service.

## **Unique and Successful Federal-State Partnership**

Recognizing the importance of our national heritage, in 1966 Congress passed the National Historic Preservation Act (NHPA 16 USC 470), which established historic preservation as a priority of the federal government. Recognizing that States are the experts of their own history, the Act's authors directed federal entities charged with its implementation - the Department of the Interior and the Advisory Council on Historic Preservation - to partner with the States. Duties delegated to the SHPOs include: 1) locating and recording historic resources; 2) nominating significant historic resources to the National Register of Historic Places; 3) cultivating historic preservation programs at the local government level; 4) providing funds for preservation activities; 5) commenting on federal rehabilitation tax credit projects; 6) review of all federal projects for their impact on historic properties; and 7) providing technical assistance to federal agencies, state and local governments and the private sector.

To help states do this work, Congress established the Historic Preservation Fund (HPF) in 1976. These federal funds require a forty percent minimum match: - emphasizing again the unique federal-state partnership. The HPF is funded from Outer-Continental Shelf lease revenues - not tax dollars, so that the depletion of one non-renewal resource can be used to help preserve another non-renewable resource - our heritage.

### **Jobs, Economic Development & Community Revitalization**

Historic preservation has stimulated economic growth, promoted community education and pride, and rescued and rehabilitated significant historic resources in communities throughout the country. In many cases, historic preservation combats the effects of blight and vacancy by using the historic built environment as a catalyst for community change. These changes result in historic downtown districts and neighborhoods that are dynamic destinations for visitors and residents alike.

The Federal Rehabilitation Tax Credit (HTC) program, administered by the State Historic Preservation Offices in cooperation with the National Park Service, is an important driver for economic development. Since inception, the HTC has rehabilitated more than 40,000 buildings, created more than 2.5 million jobs and leveraged \$117 billion in private investment nationwide. On average, the HTC leverages \$5 dollars in private investment for every \$1 dollar in federal funding creating highly effective public-private partnerships.

The renovation of the Jacob Schmidt Brewing Company on 882 W. Seventh Street in St. Paul, Minnesota, is an example of the benefits of the HTC. The brewery was built in 1855 and was originally known as the Christopher Stahlmann Cave Brewery. The brewery was one the largest in the state, producing 1,200 barrels annually by 1860 and distributing lager as far as Tennessee. In 1879 the Stahlmann brewery was capable of producing 25,000 barrels annually and became the first brewers to sell more than 10,000 barrels in Minnesota along with being one of the first brewers to bottle his own beer. After Stahlmann died in 1883, the brewery changed hands a few times before being purchased by Jacob Schmidt in 1900. After struggling in the 1990s and standing vacant for more than a decade, Minnesota-based developer Dominion purchased the old Schmidt bottling house, the grain silos, and the brew house in 2012 and began the process of turning the buildings into an artist community with both studio space for artists and 507 loft apartments. The \$132.6 million redevelopment of the property benefited from \$23 million in federal historic tax credits. This project not only strengthened the local economy, but also preserved a connection to St. Paul's rich history.

Historic preservation also stimulates economic development through heritage tourism. Cultural and heritage travelers spend an average of \$994 per trip and contribute more than \$192 billion annually to the U.S. economy.<sup>1</sup> SHPOs are essential, ground level partners in identifying and interpreting the historic places that attracts these visitors. A modest increase in SHPO funding would allow SHPOs to expand their public outreach and assistance efforts, enabling communities to take greater advantage of heritage tourism opportunities which lead to job creation, new business development and enhanced community pride.

The city of Lake Elsinore, California, is home to The Chimes, which was previously known as the Crescent Bathhouse. This two-story Victorian-era building was built in 1887 and was placed on the National Register of Historic Places in 1975. As noted before, SHPOs, which are funded through the HPF, play a central role in nominating historic resources to the National Register of

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<sup>1</sup> U.S. Cultural and Heritage Tourism Study (October 2009) conducted by Mandala Research, LLC for U.S. Cultural & Heritage Tourism Marketing Council, U.S. Department of Commerce, and Gozaic/Heritage Travel Inc., a subsidiary of the National Trust for Historic Preservation.

Historic Places. These efforts are essential for encouraging tourists to visit communities like Lake Elsinore.

### **Finding and Saving America's Heritage**

Historic preservation not only generates economic development and community revitalization, it also saves historic buildings and significant places. These sites represent the many people, places, and events that have shaped our national identity. The first step in preserving and protecting America's heritage is identifying it - which requires survey, documentation and stewardship and sharing of digital historic site data. Historic site survey data is the fundamental building block of our Nation's historic preservation program; yet this key program area is sorely lacking at the current level of appropriation. The NCSHPO recently surveyed its membership and found the following results to be very alarming:

- Only 55% of surveyed historic resources have been digitized
- 29.4% - Average percentage of each state surveyed for historic buildings
- 5.8% - Average percentage of each state surveyed for historic landscapes.
- 9.9% - Average percentage of each state surveyed for archaeological resources.
- 71% of States have more than 10,000 legacy resources in need of re-survey
- 66% of States report it would take 3+ years to complete survey & digitization
- 76% of States report that their survey & digitization programs are piecemealed
- 95% of States report lack of digital records hampers their ability to conduct project reviews

Adequate funding is essential for SHPOs to conduct historic resource identification, documentation and digitization activities. Having accurate, up-to-date, digitally accessible information on our Nation's historic resources would dramatically increase the efficiency and effectiveness of all local, state, and federal projects. From deciding on the design of local in-fill development, to state transportation planning projects, to federal large-scale energy projects and disaster recovery efforts - every single project, and the American people would benefit.

Once identified and documented, America's historic resources are primarily recognized at the local, state, and national levels by listing on National and State Historic Registers. State Historic Preservation Officers, through the authority of the National Historic Preservation Act assist, support and encourage communities with their efforts. National Register recognition by the Secretary confirms citizens' belief in the significance of their community.

*The National Historic Preservation program is primarily one of assistance, not acquisition. The federal government does not own, manage, or maintain responsibility for most of the historic assets in the National Historic Preservation program. Instead, the program, through the SHPOs, provides individuals, communities, and local, state, and federal governments with the tools they need to identify, preserve, and utilize the historic assets of importance to them.*

In addition to the SHPO funding, the NCSHPO supports the Tribal Historic Preservation Offices (THPO) request of \$11.98 million. THPOs assume the federal compliance role of the SHPO on their respective Tribal lands. The number of THPOs continues to increase annually. Funding increases are necessary to prevent a decrease in the average THPO grant.

The NCSHPO also supports the Administration's request of \$25 million for competitive grants to preserve the sites and stories related to the Civil Rights movement and \$3 million for a similar program for Historically Black Colleges and Universities.

### **Historic Preservation Fund (HPF) Reauthorization**

Authorization of the HPF expired on September 30, 2015. This testimony only touches on the invaluable economic and social value that historic preservation stimulates throughout our nation, all of which would not be accomplished but for the HPF. The NCSHPO greatly appreciates the Committee including a permanent reauthorization of the HPF in the Energy Policy Modernization Act, S. 2012, and the Sportsmen's Act of 2015, S. 556. NCSHPO would also be supportive of including a provision to reauthorize the HPF in legislation marking the centennial of the National Park Service. One way or another, in order to provide certainty for those involved in historic preservation, it is vital that the HPF be reauthorized as soon as possible.

### **State Historic Preservation Offices' Accomplishments**

Although it has been authorized at \$150 million, appropriation levels have never approached that amount. Even with chronic underfunding, since its creation in 1976 through the end of 2014, the HPF has facilitated more than 1.75 million listings on the National Register, the survey of millions of acres for cultural resources, and \$117 billion in private investment through the Historic Tax Credit - which has rehabilitated 40,000 historic buildings and created 2.5 million local jobs.

### **Conclusion**

On behalf of all 59 SHPOs, I'd like to thank you Chairman Calvert, Ranking Member McCollum, and members of the U.S. House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit testimony.

Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary - fifty, one hundred or five hundred years from now. I would like to thank the committee for their commitment to historic preservation. The federal government plays an invaluable role in preserving our nation's history and our collective sense of place. Through our partnership, SHPOs remain committed to working together to identify, protect, and maintain our Nation's heritage. Thank

## Testimony

Before the House Interior, Environment and Related Agencies  
Subcommittee of Appropriations  
March 23, 2016

By

Lauren Schapker, Government Affairs Director  
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[lschapker@ngwa.org](mailto:lschapker@ngwa.org)

The National Ground Water Association (NGWA) requests that \$5 million be allocated in the FY2017 Department of Interior budget to the United States Geological Survey (USGS) account in its Groundwater and Streamflow Information Program to continue implementation and maintenance of the National Ground-Water Monitoring Network (NGWMN). NGWA is the world's largest association of groundwater professionals, representing public and private sector engineers, scientists, water well contractors, manufacturers, and suppliers of groundwater related products and services.

Water is one of the most critical natural resources to human, ecosystem and economic survival. Nationally, nearly 50 percent of the drinking water supply comes from groundwater and in some locations it is relied on by 80 percent of Americans for drinking water. Groundwater also serves as a key source of agricultural irrigation water.

However, this vital unseen resource--on which the nation's people, food supply, economy and ecosystems rely--is not monitored on a consistent basis across states, nor is most data publicly available. Groundwater levels and quality change over time, and the continued implementation of the NGWMN will allow water resources to be better utilized, managed and protected through data-sharing on an online portal.

As with any valuable natural resource, our groundwater reserves must be monitored to assist in planning and minimizing potential impacts from shortages or supply disruptions. Just as one cannot effectively oversee the nation's economy without key data; one cannot adequately address the nation's food, energy, economic, and drinking water security without understanding the extent, availability and sustainability of a critical input -- groundwater.

Congress acknowledged the need for enhanced groundwater monitoring by authorizing a national groundwater monitoring network with passage of Public Law 111-11 (Omnibus Public Land Management Act) the SECURE Water Act of 2009 and viability of the network was proven through the completion of pilot projects in six states—Illinois, Indiana, Minnesota, Montana, New Jersey, and Texas. These states voluntarily pilot tested concepts for a national



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groundwater monitoring network as developed by the federal Advisory Committee on Water Information's (ACWI) Subcommittee on Ground Water (SOGW).

\$2.6 million in funding was provided in FY2015 and an additional \$3.6 million was provided in FY2016. The funds are being used to begin implementation of the national network through the creation of cooperative agreements with new and existing data providers. However, this funding will only allow implementation to begin across a handful of states. Additional funding for FY2017 is requested to allow for implementation across more states.

Once implemented nationwide, the NGWMN would provide consistent, comparable nationwide data that would be accessible through a public web portal for federal, state, local government and private sector users. In these tight fiscal times, the proposed network would build on existing state and federal investments, maximizing their usefulness and leveraging current dollars to build toward systematic nationwide monitoring of the groundwater resource.

Funding from the NGWMN will be used for two purposes:

1. Provide grants to regional, state, and tribal governments to cost share increased expenses to upgrade monitoring networks for the 50 states to meet the standards necessary to understand the nation's groundwater resources.
2. Support the additional work necessary for USGS to manage a national groundwater monitoring network and provide national data access through an internet web portal.

Though the amount requested is small in the context of the Department of Interior's annual budget request, funding is vital when we understand that for a small investment we can begin finally to put in place adequate monitoring of the hidden resource that provides nearly 50% of the nation's drinking water supply and serves as a key driver for our agricultural economy. Thank you for your consideration of this request.

The National Ground Water Association is a not-for-profit professional society and trade association for the groundwater industry. NGWA is the largest organization of groundwater professionals in the world. Our more than 11,000 members from all 50 states and 72 countries include some of the leading public and private sector groundwater scientists, engineers, water well contractors, manufacturers, and suppliers of groundwater related products and services. The Association's vision is to be the leading community of groundwater professionals that promotes the responsible development, use and management of groundwater resources.



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## NATIONAL HORSE & BURRO RANGELAND MANAGEMENT COALITION

*Advocating for commonsense, ecologically-sound approaches to managing horses and burros  
to promote healthy wildlife and rangelands for future generations*

DATE: 23 March 2015

TO: House Appropriations Subcommittee on Interior, Environment, and Related Agencies

RE: BLM Wild Horse & Burro Program Activities in FY 2017 Budget Proposal

FROM: Keith Norris, AWB®, keith.norris@wildlife.org, 301-897-9770 x309  
Chair, National Wild Horse & Burro Rangeland Management Coalition  
Director of Government Affairs & Partnerships, The Wildlife Society

The National Horse & Burro Rangeland Management Coalition appreciates the opportunity to submit testimony regarding the FY 2017 appropriations for the **Bureau of Land Management Wild Horse & Burro Program**. The National Horse & Burro Rangeland Management Coalition includes a wide range of sportsmen's, livestock, wildlife, and land conservation organizations and professional societies. Collectively, we represent millions of Americans and focus on commonsense, ecologically-sound approaches to managing horses and burros to promote healthy wildlife and rangelands for future generations.

Our coalition is concerned about the exponentially growing population of wild horses and burros on our nation's rangelands and the minimal efforts proposed in the President's FY 2017 budget to reduce their impacts.

As of March 1, 2015, wild horse and burro populations surpassed 58,000 animals on BLM rangelands. This threshold exceeds the BLM estimated ecologically sustainable level of 26,715 horses and burros by more than 31,000. This extreme level of overpopulation negatively impacts the country's rangelands, risking the future of the ecosystem. By continuing to allow horses and burros to exceed sustainable levels, **the BLM and Congress are placing the future of wildlife, rangelands, livestock operations, and the horses and burros themselves in jeopardy.**

The focus of the BLM Wild Horse & Burro program should revert to its original purpose and stated goal of achieving appropriate management levels (AML). Direct removal of horses and burros from impacted regions will aid in AML being achieved while simultaneously reducing their impact on the supporting ecosystem.

The President's FY 2017 Budget Proposal plans for the removal of only 2,500 horses and burros from the country's rangelands. Wild horse populations typically grow by 18-20% per year and double in size every 4-5 years. This means that even with FY 2016 removals reaching the proposed amount of 2,500 individuals, **the current on-range population is likely around 66,000.** This is an unacceptable rate of increase for a population that already greatly exceeds

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AML. Such population numbers will continue to cause an unacceptable level of damage to a valuable asset for our country.

We appreciate the BLM's increased attention to fertility control methods through research partnerships with universities and the U.S. Geological Survey, as we believe that scientifically-based use of fertility control and implementation of non-reproducing herds can be an important component of the solution to this problem. However, fertility control alone does not solve the problem and should not be the primary approach. **About 85% of Herd Management Areas (HMA) are already over AML, some reaching more than 500% of their AML.** Fertility control methods, if they are effective in reducing pregnancies, will only help maintain population levels in the short term, not reduce them.

**Direct removal of wild horses and burros from the range is the only way to achieve AML in a reasonable amount of time.** The BLM's efforts to transfer corralled horses and burros to more cost effective eco-sanctuaries and holding facilities as well as the BLM's request for authority to transfer horses and burros to local, state, and federal agencies are steps in the right direction to free up space for further removals. They will not, however, come close to providing the space needed for the removal of 31,000 excess horses and burros currently on the range.

We are hopeful that these small initiatives will highlight the need for drastic legislative changes to the BLM's management of wild horses and burros. Without an increase in the rate of removal of horses and burros, populations will continue to expand and our nation will witness not only growing degradation to its rangeland ecosystem, but also growing costs to its taxpayers.

**We urge this committee and other members of Congress to address this increasing problem for our nation's valuable rangelands by directing the BLM to remove horses at a rate substantial enough to produce significant results and protect our resources.**

Thank you for considering the input of our coalition. We invite your questions and welcome the opportunity to discuss this ongoing issue and possible solutions with the Subcommittee. Please feel free to contact our current Chair, Keith Norris at [keith.norris@wildlife.org](mailto:keith.norris@wildlife.org) or 301-897-9770 x309.

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**Public Witness Testimony**  
**Submitted to the Interior, Environment and Related Agencies Subcommittee**  
**Committee on Appropriations, U.S. House of Representatives**  
**Regarding FY 2017 Funding for the National Endowment for the Humanities**  
**Stephen Kidd, Executive Director, National Humanities Alliance (March 23, 2016)**

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Humanities Alliance, with its more than 150 member organizations, I write to express strong support for the National Endowment for the Humanities (NEH).

**Overview**

**For FY 2017, we respectfully urge the Subcommittee to fund the National Endowment for the Humanities at \$155 million.**

We would like to thank the Subcommittee for appropriating \$147.9 million to the NEH for FY 2016, thereby increasing the Endowment's funding by nearly \$2 million. This increase was the first step in rebuilding the capacity of NEH, which has been severely eroded in recent years. Despite the increase for FY 2016, the Endowment's current funding is 20% below its FY 2010 level, when adjusted for inflation. Modestly increasing NEH's budget to \$155 million would allow the Endowment to regain its capacity to support the humanities at a time when the humanities are increasingly called upon to meet national needs.

While we recognize the seriousness of the fiscal situation faced by Congress and the Administration, and we understand the difficult choices that are before this Subcommittee, we believe that expanding the capacity of NEH should be a priority. In the remainder of this testimony, I will highlight some of the many ways that NEH serves national needs and describe the ways in which the humanities, more generally, have been called upon to help accomplish critical national goals.

**NEH Serves National Needs**

The National Endowment for the Humanities' non-administrative funding is appropriated to the Federal/State Partnership, which supports humanities councils in every state and territory; Competitive Grants divisions, which award peer-reviewed grants in Research, Education, Preservation, Digital Humanities, Challenge Grants, and Public Programs; and the Common Good Initiative, which harnesses the power of the humanities to address society's pressing challenges. I will highlight just three examples of how NEH grants serve clear national needs.

*NEH's Standing Together program aids veterans' assimilation into civilian life and deepens the public awareness of the experience of war.*

In the past three years, the NEH has added the Standing Together program to its already critical work. Last year's increased appropriation was critical to expanding this program, although much unmet demand continues to exist. The initiative funds reading groups for veterans that help them process their experiences through discussions of literature on war and homecoming; writing programs for veterans suffering from PTSD; intensive college-

preparation programs; and training for Veterans Affairs staff to help them understand the experiences of veterans. One key example is the *Warrior-Scholar Project*, which assists veterans in transitioning from the military to college. This “humanities boot camp” challenges program participants and faculty to grapple with themes of war, service, and the values held in common in our democracy, while equipping participants with skills to succeed in college.

*NEH plays a key role in the preservation of native languages and cultures.*

NEH supports the documentation and teaching of native languages, history, and culture. A recent grant supported the documentation and preservation of the Creek language, originally spoken in the Southeastern United States, and now spoken by Creek and Seminole Nations of Oklahoma and the Seminole Tribe in Florida. The project was based on a collaboration between the College of William and Mary and the Seminole Nation of Oklahoma to provide the first documentation of spoken Creek. Another grant provided support to make Ojibwe cultural history accessible online to tribal members, teachers, and the public. NEH’s Office of Challenge Grants, meanwhile, awarded funding to the Northwest Indian College in Bellingham, Washington to develop programs to preserve the culture and revitalize the language of the Salish people. These are just a few examples of NEH’s long-term commitment to sustaining, revitalizing, and preserving Native American languages and cultures.

*NEH serves rural communities.*

Through NEH on the Road, NEH brings museum exhibitions to small towns that typically lack the resources available to large urban museums. In 2014 and 2015, the flagship installation at the National Building Museum, *House & Home*, traveled to Townsend, Tennessee; Urbandale, Indiana; and Boise, Idaho, among 25 sites total. The Humanities in the Public Square program, launched in late 2015, also promises to play a key role in building rural communities. One grant awarded to North Dakota State University in Fargo, entitled “Telling Stories, Creating Community: Understanding the Legacies of War at Home,” will foster community building through dialogues between veterans, families of veterans, and the larger community in Fargo-Morehead. It will also support veterans and families to tell their stories through oral histories.

In addition to these highlighted programs, each year NEH awards hundreds of competitive, peer-reviewed grants to individual scholars and a broad range of nonprofit educational organizations around the country. Grantees include universities, two- and four-year colleges, humanities centers, research institutes, museums, historical societies, libraries, archives, scholarly associations, K-12 schools, local education agencies, public television/film/radio producers, and more. Through its competitive grants programs, NEH supports the preservation of collections that would be otherwise lost, path-breaking research that brings critical knowledge to light, programs for teachers that enrich instruction in schools, and public programs that reach individuals and communities in every district in the country. There is a high likelihood that a grant has gone to your district in recent years.

Overall, NEH's support is crucial for building and sustaining the humanities' infrastructure in all 50 states, serving American citizens at all stages of life.

### **Importance of the Humanities to National Needs**

The humanities are increasingly called upon to play critical roles in our efforts to achieve four national goals: opportunity for all Americans, innovation and economic development, productive global engagement, and strong communities.

#### *Opportunity for All Americans*

Many Americans lack access to opportunity because they are deficient in a number of critical skills that are sought by employers. In a recent study conducted by the Conference Board, Corporate Voices for Working Families, the Partnership for 21<sup>st</sup> Century Skills, and the Society for Human Resource Management, employers ranked reading and writing as top inadequacies in new hires. More than a third of employers found high school graduates "deficient" in reading comprehension, and "written communications" topped the list of applied skills found lacking in high school and college graduates. These deficiencies not only limit the economic mobility of individuals, they also carry an economic burden for society as annual spending on remedial writing courses is estimated at more than \$3.1 billion for large corporations and \$221 million for state employees.

#### *Innovation and Economic Growth*

Employers increasingly seek employees who can combine the cultural knowledge and analytical ability fostered by humanities programs with technical knowledge and scientific research fostered by STEM education to create innovation and economic growth. In an effort to serve this demand, the Committee on the Engineer of 2020, a group convened by the National Academy of Engineering, recommends increased interdisciplinary education—including the humanities—in order to train engineers with the broad perspective necessary for 21<sup>st</sup> century innovation. Similarly, a substantial number of medical schools have integrated humanities coursework into their programs to enhance the cultural knowledge and observational abilities of their graduates with the goal of providing higher quality, more efficient care. Recognizing the role that the humanities play in fostering innovation, countries such as China and India have begun to integrate the humanities into their own education systems.

#### *Productive Global Engagement*

As they deal with increasingly complex international relationships, both business and military leaders look to the humanities to provide critical knowledge about communities throughout the world. These leaders argue that our ability to engage productively with the world depends on the deep knowledge of the languages, cultures, and histories of rapidly changing areas of the world that the humanities cultivate and maintain. Historians, linguists, anthropologists, archaeologists, and scholars of literature and religion, among others, spend years learning about communities and their deep roots, thereby gaining expertise that informs those who seek to work in these geographic areas. In 2013, former Ambassador to Afghanistan, Karl Eikenberry, described the critical role of the humanities in preparing our citizens for global engagement, "We need a strong

cadre of Americans in our government, military, business, civil society, academe, and beyond who have the right skills and experience to help America stay connected with the world and shape outcomes that secure our national interests.”

### *Strong Communities*

Finally, with the well-documented decline in critical, community-based social institutions, communities throughout our own country are trying to foster a sense of shared identity and responsibility. In doing so, they rely on the humanities to preserve and explore their history and traditions in order to promote the understanding of common ideals, enduring civic values, and shared cultural heritage. To strengthen communities, humanities councils, museums, libraries, and universities produce vital programs that promote understanding among diverse communities through the cultivation and exchange of knowledge about cultural heritage and history.

### **Conclusion**

We recognize that Congress faces difficult choices in allocating funds in this and coming years. We ask the Subcommittee to consider modestly increased funding for the humanities through NEH as an investment in opportunity for all Americans, innovation and economic growth, productive global engagement, and strong communities. Thank you for consideration of our request and for your past and continued support for the humanities.

*Founded in 1981, the National Humanities Alliance advances national humanities policy in the areas of research, preservation, public programming, and teaching. More than 150 organizations are members of NHA, including scholarly associations, humanities research centers, colleges, universities, and organizations of museums, libraries, historical societies, humanities councils, and higher education institutions.*



**Dr. Richard Cruse**  
**Professor and Director Iowa Water Center, Iowa State University**  
**President of National Institutes for Water Resources**

Thank you for this opportunity to submit this testimony on behalf of the National Institutes for Water Resources in support of the Water Resources Research Act program (WRRRA) at the U.S. Geological Survey. We are grateful for this Subcommittee's long-time support of the WRRRA program, and we request your continued support in FY 2017 for a federal funding appropriation of \$9 million.

Agency:	U.S. Geological Survey
Program:	Water Resources Research Act Program
Account:	Surveys, Investigations, and Research - Water Resources

The Water Resources Research Act, enacted in 1964, is designed to expand and provide more effective coordination of the Nation's water research. The Act establishes water resources research institutes (Institutes) at lead institutions in each state, as well as for Washington D.C., Guam, Puerto Rico, the Virgin Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands and American Samoa.

Congress created the Institutes to fulfill three main objectives:

- Develop, through research, new technology and more efficient methods for resolving local, state and national water resources challenges;
- Train water scientists and engineers through on-the-job participation in research; and
- Facilitate water research coordination and the application of research results through the dissemination of information and technology transfers.

Since 1964, the Water Resources Research Institutes have fulfilled these three objectives in partnership with the U.S. Geological Survey. The Institutes, managed by a state salaried director and advisory panel, promote water-related research, education, and technology transfer at the national, state, and local level through grants and sponsored projects. The program is the only federally-mandated research network that focuses on locally-identified water resource research, education, training, and outreach.

The Water Resources Research Institutes program is a state-based network dedicated to solving problems of water quantity (supply) and quality in partnership with universities, local governments, the water industry, and the general public. Each state contributes a minimum of a 2:1 match, thus ensuring that local and regional priorities are not only addressed, but supported locally, and the impact of federal dollars is maximized. The Institutes are a direct, vital link

March 16, 2016

between federal water interests and needs and the expertise located within the states' research universities.

The Water Resources Research Institutes program also provides a mechanism for ensuring state, regional and national coordination of water resources research, future water professionals' education, and the proper utilization of results and outcomes. In fact, the Institutes have collaborated with 150 state agencies, 180 federal agencies, and more than 165 local and municipal offices.

There are two grant components of the USGS Water Resources Research Institutes program. The first component is the base grant program, which is divided equally among the Institutes. Institutes use these funds to leverage research and/or student training through a state-wide competitive grants process. NIWR requests the Subcommittee provide continued funding for the base grant program, which supports research focused on water supply and quality, technology transfer, education, and outreach to the water-user community by the Institutes. The base program provides seed grants, which are used to develop future research proposals and secure additional external funds.

The second grant component is a highly competitive national grants program, supporting research on water resources problems that are regional or national in nature. In 2015 this program received 101 applications, which underwent rigorous peer review from a national panel of water experts. Program funds allowed support for four applications (a less than 4% funding rate), with numerous high quality applications returned unfunded due to fund limitations.

What is unique about NIWR? The required 2:1 non-federal match for each federal dollar uniquely magnifies the federal investment. The states' funding priorities are locally identified; it is a bottom up vs. and top down approach characteristic of most other programs. NIWR is uniquely positioned for rapid response to emergent problems. For example, the institutes provided immediate service to states and regional entities during the Flint water crisis and the Toledo "bloom" that infected the water systems in Ohio last year. Its synergistic partnership with the USGS capitalizes on strengths of both groups; a relatively small federal investment in this program reaps benefits uncharacteristic of other programs.

For five decades the Institutes, in partnership with USGS, have provided significant research results and services to our Nation and proven successful at bringing new water professionals into the work force. The National Institutes for Water Resources **recommends the Subcommittee provide \$9 million to the USGS for the Water Resources Research Institute program for FY 2017.** We respectfully submit that, even in times of fiscal challenges, investing in programs at USGS focused on data collection and the reliability and quality of water supplies is critically important to the health, safety, quality of life, and economic vitality of communities across the Nation.

Thank you, on behalf of all the Institute directors, for the opportunity to submit this testimony and for the Subcommittee's strong support of the Water Resources Research Institutes program.

March 16, 2016

**Statement of John Garder,  
Director of Budget and Appropriations, National Parks Conservation Association  
Before the Appropriations Subcommittee on Interior, Environment and Related Agencies  
March 23<sup>rd</sup>, 2016**

Chairman Calvert, Ranking Member McCollum, and members of the subcommittee, thank you for the opportunity to submit testimony on behalf of National Parks Conservation Association (NPCA). Founded in 1919, NPCA is the leading national, independent voice for protecting and enhancing America's National Park System for present and future generations. I appreciate the opportunity to provide our views regarding the National Park Service (NPS) FY17 budget.

National parks protect America's heritage and deliver robust economic returns of \$10 in economic benefits nationally for every dollar invested in NPS. NPCA polling indicates the vast popularity of national parks and strong bipartisan support for adequately funding them.

We acknowledge the tremendous challenge the subcommittee faces in setting thoughtful spending priorities, so we are grateful for your consistent support for national parks. NPCA and our partners in the National Parks Second Century Action Coalition commend your subcommittee for supporting a needed increase for the National Park Service in FY16, the Service's Centennial year. This level will make an important difference in recovering from years of cuts and inadequate funding. As there are still many needs, we urge you to do your best to build on this support as the System enters its next century of service to the American people.

**Priorities:** For FY17, NPCA requests appropriated funding for NPS of \$3,111,829,000, which is equal to the president's appropriated request, but rejecting his proposal to reduce Heritage Partnership Programs funding. This level includes—but is not limited to—NPCA's priorities of meeting the president's request for:

- \$2,524,362,000 for park operations;
- \$252,038,000 for construction; and
- \$35,000,000 in appropriated funds for the Centennial Challenge.

My testimony outlines these and several other issues:

- The Budget Control Act, overarching budget concerns and the subcommittee's allocation;
- Park operations and construction funding and their connection to the maintenance backlog;
- The Centennial Challenge program;
- The Land and Water Conservation Fund and Historic Preservation Fund;
- National Heritage Areas;
- The Federal Lands Recreation Enhancement Act;
- Policy riders

**Budget Control Act (BCA) and House budget:** We've been dismayed to see the many challenges to the budget and appropriations process in recent years, and the threat and harm they have brought to national parks. We were deeply dismayed in FY13 when the BCA, due to the failure of the Joint Select Committee on Deficit Reduction to identify offsets, mandated

sequester cuts that were so damaging to national park operations that they resulted in shuttered facilities and thousands of ranger positions going unfilled. We were consequently pleased that the Bipartisan Budget Acts of 2013 and 2015 provided needed relief from that indiscriminate and damaging instrument with spending levels that are already austere absent the sequester.

We were alarmed to see the out-year cuts proposed in the recent House budget. While it honors the terms of the Bipartisan Budget Act for FY17, the proposal makes deep cuts to discretionary investments beginning in FY18. According to a coalition of which we are an enthusiastic member, NDD United, these proposed cuts include almost \$900 billion in vital nondefense discretionary (NDD) programs – programs that include America’s National Park System. These discretionary programs would see a reported 8.5 percent cut in FY18, and by FY26, NDD spending would drop nearly 25 percent. With these levels, appropriators would have little to no ability to adequately invest in our nation’s parks. We continue to urge Congress to avoid these damaging proposals and instead support sequester relief and an orderly budget process.

**The Interior allocation:** NPCA believes the allocation provided to the subcommittee in recent years has been insufficient and emblematic of the austere constraints on domestic discretionary investments. In part to address this concern, we continue to urge legislation to address the dysfunctional system of catastrophic wildfire funding that burdens the Interior allocation. We support a clean fire funding fix, a bipartisan solution that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

Further, we feel that the Interior subcommittee allocation is unlikely to ever be sufficient to meet the full needs of the Land and Water Conservation Fund (LWCF), the National Park System backlog, or the Payments In Lieu of Taxes (PILT) and Secure Rural Schools (SRS) programs, all of which should receive mandatory funding support outside of the Interior bill.

**Park operations and the maintenance backlog:** The subcommittee’s FY16 investment will be very helpful for national parks—but we regret to acknowledge that more is needed. The FY16 increase in park operations, after adjusting for inflation, still leaves a level \$90 million—or 3.6 percent—below levels in FY10, when NPCA analysis indicated an annual operations shortfall of approximately a half billion dollars. Many parks remain understaffed: between FY10 and FY15, discretionary FTEs for the park service were reduced by 2,006 FTEs—an 11.2% reduction in staff. As you know, these losses can be damaging, with impacts such as less day-to-day maintenance, less scientific inventory and monitoring, reduced hours or even closed public facilities, fewer visitor programs, and other challenges to parks fulfilling their mission.

The operations request would support \$96 million in cyclic maintenance and repair needs. Support for this request would help address the \$12 billion deferred maintenance backlog. The backlog continues to threaten the protection of nationally significant resources and, eventually the experience of visitors. In February 2015, NPS estimated that it needed \$820 million annually just to keep up with the backlog, but only received \$473 million, or less than sixty cents for every dollar needed. While this number also included park transportation infrastructure that is not within the jurisdiction of this subcommittee, funding to deal with the non-roads backlog remains vastly insufficient, and both short- and long-term solutions are needed.

**Construction and the backlog:** The NPS construction account is a principal mechanism for addressing major repair needs, yet even after the FY16 increase in that account, it remains 48% below levels of a decade ago after adjusting for inflation. This is why the requested increase for this account is so important to address needed projects throughout the park system.

**Mandatory backlog funding:** We respect that it can be very difficult to identify budgetary offsets for mandatory programs, yet urge Congress to recognize that a more realistic long-term solution is needed to address the maintenance backlog. Under current allocations established by the BCA, it is difficult to see how this subcommittee will ever be able to address even the \$2.4 billion highest priority non-transportation facilities' needs. NPCA supports enacting legislation to begin reducing the backlog through a mandatory account and encourages Congress to pursue this approach to paying down the backlog's most critical projects over the initial years of the system's new century of service.

**Centennial Challenge:** We commend this subcommittee for restoring the Centennial Challenge program in FY15, and for the increase for the program in FY16. This support has leveraged more than two dollars for every dollar invested for signature projects across the National Park System that enhance the visiting experience. Many more philanthropic opportunities await, so we hope the subcommittee can support the request for an increase in this exciting program that enjoys strong bipartisan support. Further, we look forward to movement of a centennial bill that includes more robust funding for this important program, and urge members of this subcommittee to support such a bill that we hope will enjoy the bipartisan backing it deserves. That legislation would also include an endowment, another idea helpful in fostering a sustainable long-term funding model for NPS that supplements—but does not supplant—important appropriated dollars.

**Land and Water Conservation Fund (LWCF):** The acquisition of inholdings is directly related to better managing the places in which our nation already has made a significant investment. Thus we support the administration's appropriated request of \$68.2 million for the NPS federal land acquisition and management portion of LWCF, a critical tool for protecting our national parks. This appropriated request would help prevent incompatible development in ten NPS units, including Grand Teton National Park. We were pleased the FY16 omnibus included better funding for the LWCF program and a three-year reauthorization. We urge support for the administration's proposal to partially fund LWCF with mandatory funds in FY17 and then phase in full and mandatory funding for the program, to provide this successful program with the dependability it deserves.

**Historic Preservation Fund (HPF):** The funding authorization for HPF was allowed to expire on October 1, 2015; we were disappointed the authorization was not extended in the omnibus as it was with LWCF. The HPF provides the primary source of funding for State Historic and Tribal Historic Preservation Offices in all 50 states. The HPF also supports the Historic Tax Credit program, responsible for the rehabilitation of over 40,000 buildings, the creation of 2.5 million jobs and the leveraging of \$117 billion in private investments in historic preservation projects. H.R. 2817, the bipartisan National Historic Preservation Amendments Act, would both restore the funding authorization for the HPF and extend it through FY 2028. NPCA urges passage of this bill to support continued preservation and rehabilitation of historic sites and structures.

**National Heritage Areas (NHAs):** The president's proposed fifty percent cut to the National Heritage Area program is an unwarranted attack on a program with a successful track record. In 2013, the 49 existing NHAs generated \$13 billion in economic activity and \$1.2 billion in tax revenues, and generated over 900,000 volunteer service hours. This mighty program with a modest budget (\$19.8 million in FY16) deserves support from both Congress and the president.

**Federal Lands Recreation Enhancement Act (FLREA):** We are grateful that this subcommittee has supported multiple short-term extensions of FLREA, now extended through FY17. Reauthorization is critical for NPS to retain needed funds of nearly \$200 million annually. As NPCA continues to support a long-term reauthorization of FLREA with the respective authorizing committees, we hope this subcommittee will continue to support annual extensions.

**Policy Riders:** Efforts to attach environmentally damaging policy riders only further threatens the appropriations process, so we were grateful that the final FY16 bill was free of riders that threaten parks, their ecosystems, and the health of visitors and wildlife within them. We urge that FY17 and future appropriations bills also be free of these damaging and controversial riders.

**In conclusion:** NPCA has emphasized to this subcommittee and its Senate counterpart over the years the importance of providing more adequate funding for America's treasures. As the subcommittee has acknowledged, the National Park Service and System are deeply popular with the American public and are important for local economies. As we emphasize the importance of providing staff to serve record numbers of visitors, and staff and resources to address the repairs backlog, we should not forget the profound importance of park sites in preserving and interpreting our natural and cultural heritage—a heritage that defines America's very identity. Outstanding wildlife habitat, geysers, cliffs, Civil War sites that commemorate our fallen ancestors, the places we celebrate—and where we have suffered: this is America's extraordinary National Park System. This subcommittee has recognized these places as priorities; we again commend you for supporting their needs and urge your continuing support.

This subcommittee and its Senate counterpart have also emphasized the importance of a sustainable funding model for NPS. As you know, NPCA has long explored ideas to support such a model and advocate for mechanisms that, very importantly, do not supplant the federal responsibility to appropriate funding for our nation's parks, but supplement these needed funds.

Again, we urge you to provide the best appropriated level possible for NPS to help the agency recover from years of underfunding. We ask you to support a centennial bill that provides an endowment and more robust support for the Centennial Challenge program. We will seek to leverage new fee opportunities, historic leasing, and other innovative approaches. But we also urge this Congress to identify mandatory support and/or other robust mechanisms to address the deferred maintenance backlog, as well as the backlog of land acquisition needs. As the National Park Service prepares to celebrate its Centennial and to embark on its next century of service to the American people who collectively own these national treasures, we stand to work with you to provide needed support to recover, restore and bolster America's treasures.

Thank you for the opportunity to testify.



**National Trust for  
Historic Preservation**  
*Save the past. Enrich the future.*

**Statement of the National Trust for Historic Preservation  
Fiscal Year 2017 Interior, Environment and Related Agencies Appropriation  
Committee on Appropriations, U.S. House of Representatives  
March 23, 2016**

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to present the National Trust for Historic Preservation's recommendations for Fiscal Year 2017 appropriations. My name is Tom Cassidy and I am the Director of Government Relations and Policy. The National Trust is a privately-funded nonprofit organization chartered by Congress in 1949. We work to save America's historic places to enrich our future.

The nation faces a challenging fiscal environment. The National Trust recognizes there is a need for fiscal restraint and cost-effective federal investments. However, we do not believe that preservation, conservation and recreation programs should suffer from disproportionate funding reductions. We look forward to working with you, Mr. Chairman, as you address the ongoing needs for investments to sustain our nation's rich heritage of cultural and historic resources that generate lasting economic vitality for communities throughout the nation.

**Historic Preservation Fund.** The Historic Preservation Fund (HPF) is the principal source of funding to implement the nation's historic preservation programs. Like the Land and Water Conservation Fund, its dedicated revenues are generated from oil and gas development on the Outer Continental Shelf.

The National Park Service distributes HPF grants that are matched by State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs). Inadequate HPF funding limits support for preservation activities such as survey, nomination of properties to the National Register of Historic Places, public education, project review required by the National Historic Preservation Act and for the federal Historic Rehabilitation Tax Credit (HTC). The HTC is the largest federal investment in historic preservation. It has catalyzed the rehabilitation of more than 41250 buildings. Since its creation more than 30 years ago, the HTC has created 2.5 million jobs and leveraged more than \$117.6 billion in private investment.

The National Trust applauds the Administration's request of \$87.41M for the HPF. Most of the increase over FY16 enacted is attributable to the \$25 million for competitive grants to preserve the sites and stories of the Civil Rights movement and \$3 million for grants to Historically Black Colleges and Universities. In addition, the Administration requested an additional \$2 million over FY16 enacted for grants to Tribal Historic Preservation Officers. There are presently 158 THPOs recognized by NPS – a dramatic increase from the 12 tribes who received funding in FY96, the first year of THPO funding. The National Trust enthusiastically endorses these well-deserved increases for preservation activities. The request would also continue for a fourth year the successful \$500,000 competitive grants program for the survey and nomination of properties associated with communities currently underrepresented in the National Register of Historic Places and National Historic Landmarks. Recent studies have documented that less than 8% of such listings identify culturally diverse properties.

However, the National Trust is disappointed that the Administration did not request any funding increase to the SHPOs. We will work with the preservation community to urge the Appropriations Committee to provide much needed increases for SHPOs to ensure that they can provide essential preservation services to businesses and communities throughout the nation.

**National Park Service: Operation of the National Park System and Cultural Resources Stewardship.** The National Park Service (NPS) is responsible for 410 units of the National Park System ranging from the battlefields where our ancestors fought and died to places that stir the soul like the Statue of Liberty and Ellis Island, the gateway for millions of new Americans. Three-quarters of our parks were created to protect our most important historic and cultural resources. Over the past 20 years, more than 40 new parks have been added to the park system, many of which preserve historic places and themes that have been underrepresented within the system.

We support the President's Budget proposal of \$154 million above the FY16 enacted level for National Park Service Operations. The increase includes several Centennial Initiative requests of great importance to the preservation community, including increases of \$49.2M for repair and rehabilitation projects, \$46.6M for cyclic maintenance, and \$2M for the Cultural Resource Challenge.

**Repair and Rehabilitation.** The Repair and Rehabilitation Program is a part of the overall service wide deferred maintenance strategy that directs funds to high priority mission critical and mission dependent assets with deferred maintenance projects less than \$1 million. Approximately \$4.5 billion of the overall deferred maintenance backlog is for the 27,000 properties listed on the National Register of Historic Places within National Park units. The deferred maintenance backlog on these properties is the result of repair and rehabilitation maintenance not being performed in a timely manner.

**Cyclic Maintenance.** Investing in cyclic maintenance required to maintain historic structures is essential to abate the continued growth of the deferred maintenance backlog. The kind of projects addressed by cyclic maintenance funding includes roofing of buildings, re-pointing masonry walls, painting, sealing and stabilizing archaeological sites.

**Leasing Historic Structures in National Parks.** In recent years, the Committee has repeatedly included report language encouraging the NPS to utilize leases as a means to mitigate the main. The Service continues to move slowly to implement the policy changes he Service is slow to implement the policy changes necessary to facilitate more leasing and catalyze even broader use of this important authority. We recommend that the Committee request the NPS to report on its actions to expand this public-private approach to bring private investment into the parks.

**Visitor Services: New Responsibilities and Critical Needs.** We support the requested \$3.2 million increase to support the operations of newly established units of the National Park System including the recently established Pullman National Monument in Illinois and Honouliuli National Monument in Hawaii. The requested increase would also support the critical operating needs of parks with Civil Rights stories, including the Selma to Montgomery National Historic Trail and the Carter G. Woodson Home National Historic Site.

**Visitor Services: Centennial Initiatives, Every Kid in a Park**

We support the Administration's ongoing efforts to increase the exposure of our national park to young people, particularly those from underserved communities, through the Every Kid in a Park campaign.

As part of our commitment, and assist the NPS reduce the maintenance backlog of historic properties, the National Trust launched the HOPE (Hands-On Preservation Experience) Crew initiative in 2014 to train young adults in preservation skills while helping protect and restore historic sites. Youth and veterans are trained in the preservation skills necessary to perform preservation work in the parks and other federal lands through a cooperative agreement between the NPS, other federal land management agencies, and several NGOs including the Student Conservation Association and The Corps Network. In the first two years of the program, HOPE Crew has engaged over 300 Corpsmembers (youth and veteran), spent 60,000 hours completing 67 projects and supporting over 8 million dollars of preservation work, including rehabilitating structures at Martin Luther King, Jr. National Historic Site, Little Big Horn Battlefield National Monument, Golden Gate National Recreation Area, and Shenandoah National Park. Projects like these help reduce the maintenance backlog while also providing job skills and education for the next generation of stewards of America's most important historic sites.

**National Park Service: Construction.** We support the requested increase of \$37M over FY16 enacted for the Line Item Construction program. This account addresses the deferred maintenance for the NPS' highest priority non-transportation assets with projects larger than \$1M. We also support the President's request that this fund be used for the repair and stabilization of important historic structures as opposed to new construction. Of the 6,735 highest priority non-transportation assets approximately 4,000 have deferred maintenance needs. Examples of these needs include critical health and safety issues in the lobby of the Many Glacier Hotel in Glacier National Park; the rehabilitation of historic cottages, and reroofing Ebenezer Church and seven historic houses at Martin Luther King, Jr. National Historic Site; and the rehabilitation of the Lincoln Memorial to provide accessible spaces, restrooms and pathways.

**National Park Service: National Heritage Areas.** We recommend funding for National Heritage Areas (NHAs) at the FY16 enacted level or higher. The Administration's repeated proposals to reduce NHA funding, justified as "encouraging self-sufficiency," would severely impair the sustainability of the program and most likely have the exact opposite effect by rendering many NHAs not self-sufficient, but rather unable to function. National Park Service Director Jon Jarvis has described National Heritage Areas as "places where small investments pay huge dividends." We agree.

**National Park Service: Centennial Challenge**

We support the \$35M Centennial Challenge to provide dedicated federal funding to match donations for signature National Park Service projects and programs. This funding will allow the NPS to leverage private contributions to enhance visitor services and improve cultural and natural resources across the parks in the Service.

**Bureau of Land Management: Cultural Resources Management**

The BLM oversees the largest, most diverse and scientifically important collection of historic and cultural resources on our nation's public lands as well as the museum collections and data associated with them, including 10 million artifacts and specimens, 366,232 documented cultural sites, 3,965 monitored archaeological sites, 431 maintained historic structures and 108

properties listed on the National Register of Historic Places. This program funds National Historic Preservation Act (NHPA) Section 106 review of 13,000 land use proposals each year, compliance with the Native American Graves Protection and Repatriation Act and Government-to-Government consultation with Indian Tribes and Alaska Native Governments. Since FY03 this program has lost 19 FTEs while the demand for Section 106 compliance has remained even or increased. The loss of personnel has diminished the BLM's ability to review land proposals like transmission lines, energy development and recreation permits.

We support the Administration's FY17 request of \$17.3M, a modest increase of \$1.2M above FY16 enacted. The increased support is necessary to fulfill BLM's statutory requirements for Section 106 reviews of land use proposals, and NHPA's Section 110 requirements for inventory and protection cultural resources. The increase would support 60 on-the-ground surveys of sensitive areas, site protection and stabilization projects for priority sites vulnerable to unauthorized activities and damage due to fire, erosion and changing water levels. Projects will also update predictive modeling and data analysis to enhance the BLM's ability to address large-scale, cross jurisdictional land-use projects.

**Bureau of Land Management: National Landscape Conservation System.** The Bureau of Land Management's (BLM) National Landscape Conservation System (National Conservation Lands) includes 31 million acres of congressionally and presidentially designated lands, including National Monuments, National Conservation Areas, Wilderness, Wilderness Study Areas, National Scenic and Historic Trails, and Wild and Scenic Rivers.

As the nation's newest system of protected lands, the National Conservation Lands encompass some of our country's most significant historic and cultural resources, yet the BLM's ability to steward these resources is undermined by insufficient funding. The National Conservation Lands are just one-tenth of BLM managed lands but they host one-third of all BLM's visitors. Without sufficient funding, the BLM struggles to complete essential resource protection, such as signing trails, inventorying and protecting cultural sites from looting and vandalism.

We support the Administration's FY17 request of \$83.1 million, a \$14 million increase over FY16 enacted, in order to prevent critical damage to the resources found in these areas, ensure proper management and provide for a quality visitor experience. This funding level would enable BLM to hire essential management and law enforcement staff, monitor and protect natural and cultural resources, close unauthorized routes that damage fragile cultural sites and undertake needed ecosystem and species restoration projects.

**Land and Water Conservation Fund.** The National Trust supports robust funding for the Land and Water Conservation Fund. Many of the nation's most significant historic and cultural landscapes have been permanently protected through LWCF investments, including Martin Luther King Jr. National Historic Site, Canyons of the Ancients National Monument and Harpers Ferry National Historic Park. Culturally significant projects in the FY17 request include Aqua Fria National Monument (AZ), Galisteo Basin ACEC (NM), Palo Alto Battlefield National Historical Park (TX), Hawaii Volcanoes National Park (HI), Appalachian Trail (WV), Lewis & Clark National Historic Park (OR/WA) and the Captain John Smith Chesapeake National Historic Trail (DC/DE/MD/VA). We strongly support the Administration's request for the American Battlefield Protection Program Grants.

Thank you for the opportunity to present the National Trust's recommendations for the FY 2017 Interior, Environment and Related Agencies appropriations bill.



The National Utility Contractors Association (NUCA) appreciates the opportunity to submit written testimony regarding Congressional appropriations for water infrastructure investment. NUCA is a family of nearly 1,300 companies from across the nation that build, repair and maintain underground water, wastewater, gas, electric and telecommunications systems.

NUCA also serves as chair of the Clean Water Council (CWC), a coalition of 34 national organizations representing underground construction contractors, design professionals, manufacturers and suppliers, labor representatives and others committed to ensuring a high quality of life through sound environmental infrastructure. These industries work collectively to improve critical underground systems that unquestionably enhance America's quality of life and global business competitiveness.

Together, NUCA and the CWC have a vested interest, as do all Americans, in the construction, maintenance, functionality and safety of America's water infrastructure. For years, NUCA and the CWC have been advocating greater investment in water infrastructure, warning of perils of neglect and touting the benefits of investment.

NUCA respectfully requests that appropriations to the Environmental Protection Agency's State Revolving Funds be increased in the Interior, Environment, and Related Agencies Appropriations Bill for fiscal year 2017.

#### **WATER INFRASTRUCTURE INVESTMENT IS DESPERATELY NEEDED**

Unfortunately, too often our water infrastructure is neglected and investment insufficient to maintain reliable and healthy water and wastewater access for all citizens. This past year, the country was made painfully aware of what happens when water infrastructure is mismanaged and neglected as news struck that the city of Flint, Michigan's water supply contained unsafe levels of lead. While national attention and outrage has been directed to the Detroit suburb, Flint's disaster could, and probably will, happen to any number of cities and towns.

In January, the Environmental Protection Agency predicted America needs \$271 billion for wastewater infrastructure alone. In June of 2013, the EPA released the findings from its 2011 *Drinking Water Infrastructure Needs Survey and Assessment (DWINS)*. This state-by-state study estimated that fulfilling America's drinking water infrastructure needs will cost \$384.2 billion over the next 20 years. This is a nearly \$50 billion increase over the 2007 DWINS and indicates that our country is losing ground and falling further behind.

Water infrastructure failures have been repeatedly highlighted on the CWC's blog, Clean Water Weekly. Every week, Clean Water Weekly highlights water infrastructure news stories from around the country. Sadly, there are more stories of infrastructure failures than there are of infrastructure investment. Beginning in March 2016, Clean Water Weekly has been publishing stories aimed at House Appropriations Committee members' districts to show how widespread and diverse water infrastructure concerns are. Interior and Environment Subcommittee Chairman Ken Calvert's district, California's 42<sup>nd</sup>, has for years suffered from unreliable and unsafe water infrastructure. The state of California has even

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advised residents against consuming the water because of dangerous levels of impurities. Subcommittee Ranking Member Betty McCollum's district, Minnesota's 4<sup>th</sup>, struggles with water infrastructure that is more than 50 years old and is a serious pollution risk. The Minnesota Pollution Control Agency recently released a report noting that local governments identified the need for more than 1,350 wastewater infrastructure projects, costing \$4.2 billion. These are just two examples of water infrastructure issues that face every citizen and threaten to become the next water infrastructure calamity like Flint, Michigan.

#### ECONOMIC BENEFITS OF INFRASTRUCTURE INVESTMENT

Underground water and wastewater projects are generally recognized for their effectiveness in enhancing public health and environmental protection. Often overlooked, however, are the *economic* benefits that result from this work. It is not an exaggeration to say that clean water projects go hand-in-hand with a healthy economy by creating jobs, expanding the local tax base and generating business and community development.

NUCA and the Clean Water Council have studied the economic impacts of investing in water and wastewater infrastructure. *Sudden Impact: an Assessment of Short-Term Economic Impacts of Water and Wastewater Construction Projects in the United States* takes a comprehensive look at 116 water and wastewater infrastructure projects in five states and 73 counties.

The expansive needs of water infrastructure have inevitable costs. These costs, however, are an investment in the future both literally and figuratively. Financing water infrastructure projects today mitigates the increasing costs associated with paying for them tomorrow, providing project savings. *Sudden Impact* found that approximately \$82.4 million is generated for state and local tax bases with every \$1 billion invested in these projects. Greater tax revenue means growing opportunities for local governments to invest in themselves, and begin to repair water and wastewater systems proactively rather than more expensively and reactively.

*Sudden Impact* quantifies what we already know: that investment in underground environmental infrastructure projects results in significant job creation. *Sudden Impact* found that every \$1 billion invested could create approximately 27,000 jobs. The average annual earnings within the pipe construction sector were found to be more than \$50,000, and about one-half of these jobs are in industries outside of water and wastewater construction, illustrating the broad reach of investment in this infrastructure.

Jobs are created in scores of industry sectors outside of construction, and the economic benefits that come with funding water infrastructure are not limited to job creation. Significant impacts on national output, personal spending, and state and local tax bases also transpire. The total effect of a \$1 billion investment almost triples national output to an estimated \$2.87 billion to \$3.46 billion in economic demand for goods and services from other industries such as engineering, manufacturing, distribution and supply. Investment in underground environmental infrastructure also generates approximately \$1.06 billion in personal (household) spending.

This "ripple effect" of economic activity that comes with construction projects cannot be understated. Investment in water and wastewater infrastructure projects can generate measurable employment in 325 other standard industry classifications in addition to the immediate construction jobs. Industries such as food services, real estate, health care, automotive repair and maintenance, legal services, retail sales,

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insurance, amusement and recreation, and various other industry sectors benefit when these projects get off the ground. The ripple effect on economic demand amounts to approximately \$950 million per \$1 billion invested, a huge return on investment for the federal government.

The message behind these statistics is clear: investment in water and wastewater infrastructure projects is investment in an American asset, creating countless American jobs in hundreds of American industries, generating state and local tax revenue, and turning out considerable fiscal activity through local economies while rebuilding critical infrastructure the country desperately requires.

The infrastructure needed to provide for safe drinking water and effective wastewater treatment are fundamental considerations that encourage expanded investment, but think about the economic importance of clean and safe drinking water itself. A community and indeed, an effective society cannot do so without either. Clean water enhances individual productivity in countless ways and is undisputed. However, in times of economic difficulty, the funding of construction projects is therefore an effective way to stimulate growth and development far beyond the construction industry. The State Revolving Funds can and do make a difference in our infrastructure.

#### **ENVIRONMENTAL BENEFITS OF INVESTING IN WATER INFRASTRUCTURE**

Every day, millions of gallons of water leak into the ground as a result of inefficient infrastructure that has outlived its intended lifespan. Not all of these leaking water lines contain clean water. Many of them, if not most of them are wastewater, storm water, or sewage water lines that, when leaked into the ground, cause a significant pollution risk. This issue is exacerbated in many areas where storm water and wastewater infrastructure are unseparated.

Additionally, effective water infrastructure can help mitigate environmental damage. Not only will efficient pipes not leak hazardous materials into the ground, but adequate water infrastructure will help mitigate the environmental burdens of wildfire, which the western United States have been battling due to drought, protecting homes, businesses, and the environment from the tolls of these significant fires.

Investing in water treatment facilities will also help keep our water sources clean. By building facilities that clean and treat our natural water systems, we protect our natural habitats from pollution related toxins and contamination

Ensuring the efficiency of water infrastructure not only helps the environment, but also reduces costs by eliminating water loss.

#### **CONCLUSION**

America can't function without environmental infrastructure. It's necessary for public health and good for business. It connects nearly everything we do on a daily basis, and is a precondition for economic renewal and growth. Investment in this infrastructure creates jobs here that cannot be outsourced overseas.

NUCA strongly supports continued investment in the EPA's Clean Water and Drinking Water State Revolving fund programs.

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Thank you for the opportunity to testify before the subcommittee. I am happy to answer any questions or provide any further information you require.

**WRITTEN TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
CONCERNING FISCAL YEAR 2017 APPROPRIATIONS, MARCH 23, 2016  
BY DESIREE SORENSON-GROVES, VICE PRESIDENT GOVERNMENT AFFAIRS  
FOR THE NATIONAL WILDLIFE REFUGE ASSOCIATION**

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association and its membership of current and former U.S. Fish and Wildlife Service (Service) professionals, Refuge Friends organizations and concerned citizens, thank you for your support for the National Wildlife Refuge System (NWRS), particularly for the funding increase for fiscal year 2016 (FY16). We appreciate the opportunity to offer comments on the FY17 Interior Appropriations bill and respectfully request:

- \$506.6 million for the Operations and Maintenance (O&M) accounts of the NWRS, including \$5m for the Pacific Marine Monuments;
- \$900 million for the Land and Water Conservation Fund (LWCF), with \$150m allocated for the FWS, including these high priority requests:
  - \$10 million for Everglades Headwaters NWR and Conservation Area (FL);
  - \$5 million for Silvio O. Conte NFWR (CT, NH, VT, MA);
  - \$3 million for Cache River NWR (AR);
  - \$2 million for Bear River Watershed Conservation Area (WY, ID, UT);
  - \$2 million for Blackwater NWR (MD);
  - \$1.4 million for Balcones Canyonlands NWR (TX);
  - \$2 million for Clark River NWR (KY);
  - \$6.2 million for Hakalau Forest NWR (HI); and
  - \$8 million for the Dakota Grasslands Conservation Area (ND, SD);
- \$50 million for the Refuge Fund;
- \$75 million for the FWS Partners for Fish and Wildlife Program;
- \$15 million for the FWS Coastal Program;
- \$60 million for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);
- \$70 million for the State and Tribal Wildlife Grants Program;
- \$47.6 million for the North American Wetlands Conservation Fund;
- \$6 million for the Neotropical Migratory Bird Fund; and
- \$13 million for the Multinational Species Conservation Fund.

We understand our nation's challenging fiscal constraints but cutting funding to programs that are economic drivers and job creators in local communities only exacerbates an already difficult situation. For example, the NWRS averages almost \$5 in economic return for every \$1 appropriated and the Partners for Fish and Wildlife program returns nearly \$16 for every \$1 spent on projects. Unfortunately, just when these public lands and programs could return economic output to communities and help them through the recession, funding fell dramatically. Budgets have not kept pace with rising costs, and the gap between the funding needed to maintain these programs and the funding appropriated has widened dramatically. The Refuge System is approximately \$64.8 million below what would be needed to keep pace with inflation relative to the FY10 level (\$545.8 million inflation-adjusted). And, with the expansion of the Pacific Remote Islands Marine National Monument, the Refuge System is now responsible for

over half a billion acres of land and water and therefore must have adequate funding to keep pace with this newly expanded area of responsibility.

To begin bridging that gap, the Refuge Association urges Congress to fund these critical programs that leverage federal dollars and serve as economic drivers.

### **National Wildlife Refuge System – Operations & Maintenance**

The Refuge Association chairs the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 23 sporting, conservation, and scientific organizations representing more than 16 million Americans that supports increased funding for the Refuge System. CARE estimates the NWRS needs at least \$900 million annually to manage its 150 million acres and 418 million acres of national marine monuments, yet it is currently funded at roughly half that amount – at less than \$1 per acre. The Refuge System cannot fulfill its obligation to the American public, our wildlife, and 48.5 million annual visitors without increases in maintenance and operation funds.

Funding for the Refuge System has declined substantially from a funding level of \$503 million in FY10 to its current \$481 million - \$77 million below what it needs to keep pace with inflation and salary increases. This has forced the Service to cut back on programs and create efficiencies whenever possible. Because of these hard decisions, the Service **has cut its deferred maintenance backlog in half** from \$2.7 billion to \$1.17 billion as of the end of FY15. But budget cuts also led to the loss of 500 positions since FY11 and thus an **increase in the operations backlog, now at \$735 million**. Because most refuge lands and waters are highly managed, this deterioration in staffing has had a dramatic impact resulting in significant declines in habitat protection and management, hunting, fishing, volunteerism and scientific research.

For instance, visitor services staff has declined by 15%, forcing a reduction in public programs and hours of operation, yet there is more demand than ever for recreational opportunities on refuges. Hunting visits are up 2% since FY11 and fishing visits are down 5%, but photography participation is up 52% and auto tour visits are up 14%. Visitation to all refuges since FY11 has increased by 9%. Overall, more people are looking to recreate on wildlife refuges, but fewer staff is available to provide those opportunities.

Reductions in visitor services can be extremely troubling to constituencies who want to visit. At Tualatin NWR in Oregon, elimination of the visitor services position cut all teacher training workshops and community outreach. Prior to this loss, over 100 teachers were trained each year at the refuge. Patuxent Research Refuge in Maryland—the refuge closest to the nation’s capital—has closed its visitor’s center every Thursday due to budget shortfalls, reduced programs for schools, and lost half its visitor services staff.

Equally troubling is a 15% drop in the number of volunteers since FY11. At a time when record numbers of Americans are retiring and have the capability to give back, the Service’s ability to oversee their efforts has been curtailed. Volunteers provide an additional 20% of work on our national wildlife refuges, yet they are being turned away when the System needs them the most.

During these years of challenging budgets, the Refuge System’s potential to drive local

economies and create jobs is of paramount importance. *Banking On Nature*, a report issued by the FWS in 2013, shows that even during the worst recession since the Great Depression, the Refuge System saw economic output in local communities increase 20% to \$2.4 billion, visitation increase 30% to 46.5 million, an average return on investment increase of 22% to \$4.87 for every \$1 appropriated, and supported jobs increase 23% to 35,000.

Within this request is funding to repair damages at the Malheur NWR in Oregon until criminal fines can be recovered as well as funding for increased federal wildlife officers and IT specialists who can monitor domestic terrorism situations before they happen. The partnerships forged at the Malheur Refuge prevented the occupation from being much worse, but the Service needs the resources to maintain these relationships at all refuges.

The Refuge Association appreciates the Subcommittee's consideration of our request of \$506.6 million for FY17 for National Wildlife Refuge System Operations and Maintenance.

### **Strategic Growth – Land and Water Conservation Fund (LWCF)**

The Land and Water Conservation Fund is an essential tool for protecting the integrity of the Refuge System and is the primary funding source for land and conservation easement acquisition by federal land agencies. Some in Congress have argued that public lands like the Refuge System can't manage what they have and thus, all land acquisition should end. However, in the past 20 years, lands contained within the Refuge System have only grown by 5.6%, while at the same time, visitation has grown by 30%. The real cause of rising operations and maintenance costs is that the public is hungry for more opportunities to recreate.

Increasingly, LWCF is being used to conserve working lands and local culture through the acquisition of easements that secure conservation protection while leaving the land in private ownership and on the tax rolls. Easements are powerful tools that foster public-private partnerships with ranchers, farmers and foresters to conserve wildlife, habitat and a uniquely American way of life. Innovative landscape-scale initiatives using easements have broad community and state support in New England's Connecticut River Watershed, the Everglades Headwaters, the Bear River Watershed, and the Dakota Grasslands. These iconic landscapes remain privately managed, generating tax income for local communities, securing our nation's food, and balancing resource use and resource protection for wildlife.

In many cases, however, land acquisition is required to conserve intact and functional natural habitat. The Refuge System is responsible for safeguarding population levels of a range of species, including many that require specific habitat conditions, such as beaches for sea turtles and isolated springs for endemic desert fish. Others require multiple habitat types during their life cycle. By acquiring critical habitat areas and linking conserved lands, the Refuge System enhances the integrity of the System and strengthens our network of habitat to give wildlife space and time to respond to changes, whether from climate or changing land use patterns.

The Refuge Association calls on Congress to fund LWCF at \$900 million per year, with \$150 million provided in FY17 to the USFWS for conservation easements and refuge in-holdings, including the projects enumerated on Page 1 and those advocated by refuge Friends.

### **Commitment to Refuge Communities – Refuge Fund**

The Refuge System uses net income derived from permits and timber harvests to make payments to local communities to offset property tax revenue lost when the federally-acquired lands are removed from local tax rolls. The System relies on Congressional appropriations to the Refuge Fund to compensate for the shortfall between revenues and tax replacement obligations. However, declining revenues and lack of appropriations have resulted in the Service paying less than 50% of its tax-offset obligations since 2001. The negative impact on local communities is felt even more starkly in difficult economic times and severely strains relations between the federal units and their local community, threatening the partnerships that so important for successful conservation.

The Refuge Association requests \$50 million for the Refuge Fund and thanks Chairman Calvert for his leadership in FY15 to pursue a much-needed increase. We also call for a review of the Refuge Revenue Sharing Act of 1935 as amended, and consideration of conversion to a Payment-in-Lieu of Taxes (PILT) program to be consistent with other federal land management agencies and to provide Refuge communities with more equitable payments.

### **Partnerships – Partners for Fish and Wildlife Program (Partners Program)**

With 75% of all fish and wildlife species dependent upon private lands for their survival, the Partners Program is one of the most powerful tools for protecting wildlife where it lives. By building effective partnerships between public agencies and private landowners to conserve America's expansive working landscapes, the Partners Program has implemented nearly 29,000 restoration projects in the past twenty-five years, restoring over one million acres of wetlands, three million acres of uplands, and 11,000 miles of streams. The program has been instrumental in the success of such iconic landscape conservation projects as the Rocky Mountain Front, Blackfoot Challenge, and Flint Hills, and is playing a key role in conserving greater sage-grouse habitat in the intermountain west. The Partners Program consistently leverages federal dollars for conservation, generating nearly \$16 in economic return for every \$1 appropriated for projects.

The Partners Program provides a bridge between private and public conservation efforts that has been instrumental in the success of large landscape partnerships from Montana to Florida, and is playing a key role in conserving greater sage-grouse habitat in the intermountain west. To this end, we request an additional \$78 million for the Interior agencies to implement sagebrush steppe habitat conservation and monitoring efforts that will leverage \$300 million in Department of Agriculture investments across the west.

The Refuge Association and the landowner-led Partners for Conservation request \$75 million for FY17. Such a funding level would result in an additional \$400 million worth of conservation across the nation.

We believe that with sound conservation policy, adequate funding, and the power of more than 40,000 dedicated volunteers, the Refuge System can fulfill its mission to provide wildlife dependent recreation for Americans and protect the habitat for more than 700 species of birds, 220 species of mammals, 250 reptile and amphibian species and more than 1,000 species of fish. We look forward to working with Congress in 2016 to accomplish this goal and appreciate your consideration of our requests. Please let our staff know if you have any questions.

**Testimony in Support of FY 2017 Funding for the Department of the Interior**

March 22, 2016

***Submitted by:***

Joseph Cook, Ph.D.

President

Natural Science Collections Alliance  
1201 New York Avenue, NW, Suite 420  
Washington, DC 20005***Submitted to:***

House Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2017 appropriations for the Department of the Interior. We encourage Congress to provide at least \$2 million for Cultural and Scientific Collections support within the Working Capital Fund. We also encourage Congress to provide adequate funding for the scientific collections maintained by the United States Geological Survey, National Park Service, Bureau of Land Management, and Fish and Wildlife Service. These collections are used to inform resource management and support law enforcement efforts. Additionally, we support the Smithsonian Institution's requested funding level of \$922.2 million.

The Natural Science Collections Alliance is a non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our membership consists of institutions which are part of an international community of museums, botanical gardens, herbaria, universities, and other institutions that contain natural science collections and use them in research, exhibitions, academic and informal science education, natural resource management, and outreach activities.

Scientific collections are a vital component of our nation's research infrastructure. Whether held at a museum, government managed laboratory or archive, or in a university science department, these scientific resources contain genetic, tissue, organismal, and environmental samples that constitute a unique and irreplaceable library of the Earth's history. The specimens and their associated data drive cutting edge research on significant challenges facing modern society, such as improving human health, enhancing food security, and understanding and responding to environmental change. Collections also inspire novel interdisciplinary research that drives innovation and addresses some of the most fundamental questions related to biodiversity.

The institutions that care for scientific collections are important research centers that enable scientists to study the basic data of life, conduct modern biological, geological, and environmental research, and provide undergraduate and graduate students with hands-on training opportunities.

According to the federal Interagency Working Group on Scientific Collections, “scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise.” In recognition of the importance of collections, the Office of Science and Technology Policy issued a memo in 2010 that directed federal agencies to budget for the proper care of collections. “Agencies should ensure that their collections’ necessary costs are properly assessed and realistically projected in agency budgets, so that collections are not compromised.”

Preservation of specimens is in the best interest of science and the best interest of taxpayers. Proper care of existing scientific collections is typically more cost effective than attempting to recollect the information. Moreover, preservation of specimens and associated data allows for integration into new research. Specimens that were collected decades or centuries ago are often used in cutting edge research in the fields of genomics, biodiversity, and human health.

We are pleased to see that Interior has included an increase of \$1.0 million in its budget request for the Cultural and Scientific Collections Management initiative. Interior is an important caretaker of museum collections; the Department has an estimated 146 million items, which is second in size to the Smithsonian Institution. Although many of the department’s collections are located in bureau facilities, artifacts and specimens are also housed by non-governmental facilities, such as museums and universities.

In addition, the United States Geological Survey (USGS) plans to maintain its efforts to preserve, inventory, and digitize geological scientific collections, such as rock and ice cores, fossils, and samples of oil, gas, and water. The National Geological and Geophysical Data Preservation program helps states with collections management, improves accessibility of collections data, and expands digitization of specimens. We are grateful to Congress for awarding additional funds for this program in FY 2014. USGS plans to maintain the expanded program in FY 2017.

Another USGS program is supporting public access to biodiversity information. The Biodiversity Information Serving Our Nation system is the only web-based federal resource for finding species in the United States and contains 250 million records. It also serves as the U.S. connection to the Global Biodiversity Information Facility.

The Bureau of Land Management has requested an additional \$1.0 million to inventory cultural resources on public lands. Presently, 90 percent of public lands have not been assessed for heritage resources. Efforts would be focused in areas susceptible to looting, vandalism, fire, and environmental change.

The National Park Service is planning to continue its investments in scientific collections. The proposed budget would support plans to catalog an additional two million museum objects in FY 2017. Additionally, several parks would address planning, environmental, storage, security, and fire protection deficiencies in museum collections. An additional 20 grants per year would be funded through the Preservation Technology and Training program to support innovative solutions for cultural resource management.

The Smithsonian Institution is a valuable federal partner in the curation of scientific specimens. The National Museum of Natural History alone cares for 127 million specimens. In order to

make these scientific resources more available to researchers, educators, and the public, Smithsonian is requesting an increase of \$2.1 million in FY 2017 for digitization of collections. This effort will substantially increase availability of information on these collections via the Internet. Additionally, Smithsonian is seeking \$2.7 million in new funding to strengthen curatorial staffing, which would be matched with private funds, dollar for dollar. These new staff would backfill positions left open by retirements and budget constraints. The current staffing level is insufficient to provide optimal care for the collections. Lastly, the Institution requests \$1.5 million in new funding to address deficiencies the Smithsonian Inspector General identified in the preservation of collections.

**Conclusion**

Scientific collections are critical infrastructure for our nation's research enterprise. Research specimens connect us to the past, are used to solve current societal problems, and are helping to predict the impact of future environmental changes. Sustained investments in scientific collections are critical for our nation's continued scientific leadership. Please support the budget request for the Department of the Interior's Capital Working Fund and the Smithsonian Institution, which will support these organizations' efforts to preserve scientific collections – a truly irreplaceable resource.

Thank you for your thoughtful consideration of this request.

**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**WRITTEN TESTIMONY OF NEZ PERCE TRIBAL  
EXECUTIVE COMMITTEE CHAIRMAN ANTHONY D. JOHNSON**

Honorable Chairman and members of the Committee, as a member of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the appropriations for IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service in relation to the needs of tribal nations for Fiscal Year 2017.

First, on behalf of the Nez Perce Tribe, I want to acknowledge and thank this Subcommittee for your efforts on a longstanding bipartisan basis to understand the needs of Indian Country and advocate for increased appropriations to the many programs in your jurisdiction that benefit our citizens, our tribal governments and all members of our communities.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to its tribal membership as well as the community at large. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and also one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that preserves and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes our primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and our members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through tribes is of vital importance. This work cannot be accomplished unless the United States continues to affirm and follow through on its trust responsibility to Indian tribes and properly fund programs.

**Indian Health Services**

The Nez Perce Tribe currently operates a health care clinic on the Nez Perce Reservation, Nimiipuu Health. The main clinic facility is located in Lapwai, Idaho with a satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provided annually services at least 3,000 patients each year. These patients annually compute into 40,000 visits which does not include pharmacy and laboratory visits but only medical provider visits. This workload is quite expensive to maintain. Our expenditure total for FY14 was \$13,942,622. Our Purchased/Referred Care costs for outpatient services for FY14 was \$4,125,475.

The Nez Perce Tribe supports the \$248.7 million increase in funding over the FY16 enacted levels proposed in the President's FY17 budget. The Tribe appreciates that the budget request includes an increase of \$159 million for current services, so that the IHS, tribal and urban programs and facilities can keep up with medical and non-medical inflation, population growth and pay costs. Also, the Tribe supports the recommendation of a \$48.2 million increase in funding proposed for purchased and referred care, which will help to meet the purchased and referred care spending needs of the Nez Perce clinic and others like ours.

The Tribe supports \$800 million to be allocated for contract support costs so that they are fully funded. In addition, because full funding of these obligations is so important to Indian Country, the Tribe supports the Administration's innovative proposal to reclassify contract support costs for the Bureau of Indian Affairs and the Indian Health Service as mandatory and not discretionary beginning in FY18. The Tribe believes this reclassification should be permanent. Also, such a change in funding should not be accomplished or be off-set by reducing other funding for these agencies that would adversely affect services or programs. Also, this funding should not be unnecessarily reduced by excessive set-asides for administration.

The Tribe also supports the Administration's legislative proposal for permanent mandatory funding of the Special Diabetes Program at \$150 million.

#### Bureau of Indian Affairs

The Tribe supports the total of \$278 million requested for contract support costs proposed in the President's budget, and as stated above, the reclassification of these costs from discretionary to mandatory as well as the 5% increase in overall funding for the Bureau of Indian Affairs. The Tribe also supports the Presidential budget request to include a "*Carcieri* fix" to address legal issues that have arisen related to the transfer of land into trust which has created uncertainty over the status of lands. This uncertainty only stifles and impedes economic development in Indian Country. A legislative amendment to clarify the sovereign status of these lands is needed now.

In relation to the Bureau of Indian Affairs Public Safety and Justice account, the Tribe advocates for at least the \$348 million in funding for Law Enforcement that was provided in FY16. The Nez Perce Reservation spans 1,200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. The Tribe provides a full service law and justice program. The Tribe has a fully trained and staffed police force of 26, a fully staffed tribal court, a prosecutor and public defender, and other personnel to perform related administrative functions. Currently, the Nez Perce Tribe contributes over \$1,682,998 annually to cover the shortfall in BIA funding for the Tribe's law enforcement, \$383,019 for judicial services/probation, \$319,360 for prosecutorial services, \$163,107 for public defender services and \$325,000 for prisoner boarding. This funding comes from tribal taxes and tribal gaming revenues that would otherwise be used for other governmental services. The funding for these programs needs to be increased to account for the shortfalls in funding the Tribe has to absorb to continue the operation of these vital services on the Reservation. The Tribe supports the Administration's requested increase of \$2.6 million for base funding for tribal courts.

In relation to education, the Tribe supports the proposed FY 2017 increase of \$3.8 million for the

Johnson O'Malley program, and the proposed increases totaling \$7 million for Scholarships and Adult Education and Special Higher Education Scholarships. These latter increases will help address the rising costs of attending college. The Tribe also supports continued level funding (if not increases) for Tribal Education Departments and for Tribal Colleges and Universities that would support institutions such as the Northwest Indian College that operates a satellite campus on the Nez Perce Reservation.

The Tribe also relies on the BIA for funding for our work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to other sensitive species. We are very appreciative that the Administration's FY 2017 budget request proposes increases for ALL Natural Resources Management accounts except Resource Management Program Oversight for the Central Office. Particularly helpful and important to the Nez Perce Tribes is the proposed \$1 million increase over FY 2016 for the BIA Endangered Species Program. This account provides tribes, like Nez Perce, with the technical and financial assistance to protect endangered species on trust lands, and this proposed increase is most welcome. Also, the proposed increase of \$2.8 million for BIA Natural Resource Tribal Priority Allocations will help increase tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection implementation monies are critical to support the exercise of treaty reserved off-reservation hunting and fishing for tribes like the Nez Perce, so we support the proposed \$2.5 million increase in FY 2017 for a total of \$40.1 million. The BIA single-line dollars do provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring. And of course, these efforts are central to the Tribe's fisheries management responsibilities as established in the treaties and further delineated in litigation regarding implementation of hunting and fishing treaty rights. It is important to understand that this funding is not for equipment but is used for job creation.

The Tribe also supports continued funding for the BIA Wildlife and Parks Tribal Priority Allocations. As stated earlier, the Tribe has invested a large amount of our personnel and resources in the restoration of salmon through our fisheries programs. The States of Oregon, Washington and Idaho directly benefit from this work as well through sports fisheries. These programs have been successful with funding under the Tribal Management and Development Program which is critical for fish and wildlife management of the Tribe. We support the proposed FY 2017 increase of \$5 million to the Tribal Management and Development Program.

#### Fish and Wildlife Service and Forest Service

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants program administered by the U.S. Fish and Wildlife Service is a cost effective expenditure for the government. This small pot of money has resulted in huge returns from the Tribe's perspective. Since 2005, we have received five such grants that have allowed us to work on such diverse issues as gray wolf monitoring, bighorn sheep research, and rare plant conservation. Continued funding for the Tribal Wildlife Grant program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. It should

be noted that this competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. The Tribe strongly urges this Subcommittee to support the Administration's \$6 million increase of funding for the Tribal Wildlife Grant program as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

Related to forest management, the Tribe supports wildfire disaster funding legislation that treats wildfires like other natural disasters and emergencies to help prevent funds from having to be diverted from forest management.

The Nez Perce Reservation and its usual and accustomed areas are rich in natural resources and encompass eleven different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis. With regard to management of bighorn sheep, the Tribe would like to note the Subcommittee has included report language over the last several years that encourages research related to disease transmission between domestic sheep and bighorn sheep. The Tribe encourages this type of research mandate to be restricted to laboratory settings and not be allowed to occur in the field where impact and harm would be harder to control. The bighorn sheep populations within the Tribe's aboriginal territories are too fragile and too important to be put at risk.

#### Environmental Protection Agency

On behalf of the Environmental Protection Agency, the Nez Perce Tribe currently implements the Federal Air Rules for Reservations program (FARR) and receives funding from the State and Tribal Assistance Grants Program and Tribal General Assistance Grants. The Tribe supports the proposed increase of \$30.9 million for these grants because of the importance of these funds for tribal governance. The FARR program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA and this increase in funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA.

Thank you for the opportunity to testify today. As you can see, the Nez Perce Tribe does a tremendous amount of work in a variety of areas. It is important that the United States continue to fund this work and uphold and honor its trust obligations to tribes.

# THE NATIONAL OPERA CENTER AMERICA

Written Statement of  
**Marc A. Scorca, president and CEO, OPERA America**

**Subcommittee on Interior, Environment, and Related Agencies**  
 Committee on Appropriations United States House of Representatives

**FY2017 Funding for the National Endowment for the Arts (NEA)**  
**March 23, 2016**

Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of OPERA America, its Board of Directors and its more than 2,000 organizational and individual members. **We strongly urge the Subcommittee on Interior, Environment, and Related Agencies in the Committee on Appropriations to designate a total of \$155 million to the National Endowment for the Arts (NEA) for FY 2017.** This testimony and the funding examples described below are intended to highlight the importance of federal investment in the arts, so critical to sustaining a vibrant cultural community throughout the country.

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, funding for the arts was mostly limited mostly larger cities. The NEA has helped to strengthen regional dance, opera, theater and other artistic disciplines that Americans enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. The NEA envisions a “nation in which every American benefits from arts engagement, and every community recognizes and celebrates its aspirations and achievements through the arts.” The agency has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

Opera is a continuously growing art form that can address the diverse needs and backgrounds of our communities. New opera companies are being established in communities that have never before had access to live performances. OPERA America’s membership includes 141 professional company members representing 42 states, as well as 5 Canadian provinces and 3 countries. 67% of these companies were established after 1970 and over 43% were established since 1980, indicating the growth of opera throughout America over the last 45 years.

In the 2013-2014 season, OPERA America members were involved with 37 world premieres. Since 1900, 950 new operatic works have been produced by professional opera companies in North America. Of that, **478 new operatic works have been produced since 2000.** The growth in number and quality of American opera corresponds directly to the investment of the NEA’s

earlier investment in the New American Works program of the former Opera-Music Theater Program.

Beyond the opera house, opera companies are finding new and exciting ways to bring the essence of opera to other local theaters and community centers, frequently with new and innovative works that reflect the diverse cultures of the cities they serve. Strong partnerships with local schools extend the civic reach of opera companies as they introduce children to a multi-media art form and discover promising young talent.

#### **The NEA is a great investment in the economic growth of every community**

Despite diminished resources, including a budget that is \$20 million less than it was in 2010, the NEA awarded 2,139 grants in 2015, totaling \$103.47 million in appropriated funds. These grants nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country. NEA grants also preserve and enhance our nation's diverse cultural heritage. The modest public investment in the nation's cultural life results in both new and classic works of art, **reaching the residents of all 50 states and in every congressional district.**

The return of the federal government's small investment in the arts is striking. In 2013, the American creative sector was measured by the federal Bureau of Economic Analysis (BEA). The BEA and the NEA developed an "Arts and Cultural Production Satellite Account" which calculated the arts and culture sector's contributions to the gross domestic product (GDP) at 4.2 percent (or \$704.2 billion) of current-dollar GDP in 2013. Additionally, the nonprofit performing arts industry generates \$135.2 billion annually in economic activity, supports more than 4.13 million full-time equivalent jobs in the arts, and returns \$9.59 billion in federal taxes (*Arts and Economic Prosperity IV*, Americans for the Arts).

On average each NEA grant leverages at almost \$10 from other state, local, and private sources. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of cutbacks in the recent years, the NEA continues to be a beacon for arts organizations across the country.

The return on investments is not only found in dollars. In 2012, 2.2 million people volunteered 210 million hours with arts and cultural organizations, totaling an estimated value of \$5.2 billion – a demonstration that citizens value the arts in their communities.

#### **NEA Grants at Work**

Past NEA funding has directly supported projects in which arts organizations, artists, schools and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all states, including isolated rural areas and inner cities.

The more than 2,000 Art Works grants were awarded to nonprofit arts organizations for projects that encourage artistic creativity and that bring the arts to millions of Americans. In a striking example of federal/state partnership, 40 percent of NEA's program dollars are granted

to state arts agencies, conditional on each state devoting its own appropriated funds. These grants, combined with state legislative appropriations and other dollars, are distributed widely to strengthen arts infrastructures and ensure broad access to arts.

NEA grants are awarded to opera organizations through its core programs: Art Works; Challenge America Fast Track Grants; and Federal/State Partnerships. **In fiscal year 2015, the NEA awarded 68 grants to the opera field through the Art Works category, totaling \$2,095,000.**

**Cincinnati Opera**  
**\$30,000**

**Cincinnati, OH**

To support the premiere of "Morning Star," by composer Ricky Ian Gordon and librettist William Hoffman. Based on the play of the same title by Sylvia Regan, the story of a Jewish mother who brings her four daughters from Russia to New York City for a better life tracks the immigrant experience for the early 20<sup>th</sup> Century through the Triangle Shirtwaist Factory Fire, World War I, and the Great Depression. The opera explores themes that include political ideology, social justice, race, religion, and cultural identity.

**Minnesota Opera**  
**\$75,000**

**Minneapolis, MN**

To support the world premiere of The Manchurian Candidate by composer Kevin Puts and librettist Mark Campbell. Based on the novel by Richard Condon (1959) and the film (1962), the story portrays a former Korean War prisoner of war who is brainwashed by Communists into becoming a political assassin. This new production incorporated 21<sup>st</sup>-century technology with multimedia visual productions and state-of-the-art sets.

**PORTopera**  
**\$15,000**

**Portland, ME**

To support PORTopera's production of Georges Bizet's Carmen and accompanying FILMfest for young filmmakers. The production was brought to life by the creative team that included stage director Dona Vaughn and conductor Stephen Lord.

**Seattle Opera**  
**\$40,000**

**Seattle, WA**

To support a new production of Handel's Semele and the Wrath of Juno. Engagement activities included pre-performance talks and post-performance question-and-answer sessions, and broadcast performances via radio and live-stream through the company's partnership with the local classical music station.

Over 50 million people experienced opera on stage, via radio and TV, in cinemas, and at stadiums, parks and alternative venues through one of OPERA America's Professional Company Members in the 2012-2013 season. The collective expenses of member opera companies totaled over \$1 billion. Total government support, including city, county, state, and federal, amounted to \$118 million, representing 10% of total operating income.

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties, leaving its programs seriously underfunded. **We urge you to continue toward restoration and increase the NEA funding allocation to \$155 million for FY17.**

On behalf of OPERA America, thank you for considering this request.

**OPERA America  
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Testimony of April Snell, Executive Director, Oregon Water Resources Congress  
 Submitted to the United States House Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies

March 23, 2015

**RE: FY17 Budget for the U.S. Environmental Protection Agency's Clean Water State Revolving Fund Loan Program**

The Oregon Water Resources Congress (OWRC) is concerned about continued reductions to the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF) and is requesting that appropriations for this program be increased to at least **\$2 billion** in FY17. The CWSRF is an effective loan program that addresses critical water infrastructure needs while benefitting the environment, local communities, and the economy. However, OWRC is concerned by the recent exclusion of irrigation districts from receiving principal forgiveness under the CWSRF and we urge the Subcommittee to address this terminology issue and allow irrigation districts to utilize this valuable tool under the program so that they are able to execute projects that are beneficial to both the environment and the local economy.

OWRC was established in 1912 as a trade association to support the protection of water rights and promote the wise stewardship of water resources statewide. OWRC members are local governmental entities, which include irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly 1/3 of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

**FY17 Appropriations**

We recognize that our country is facing difficult economic times and that we must make strategic investments with scarce resources. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefitting the environment, and is an efficient return on taxpayer investment. Oregon is facing record levels of unemployment and the CWSRF funded projects provide much needed construction and professional services jobs. Moreover, as a loan program, it is a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

Nationally, there are large and growing critical water infrastructure needs. In EPA's most recent needs surveys, *The Clean Watersheds Needs Survey 2008: Report to Congress and Drinking Water Infrastructure Needs Survey and Assessment: Fourth Report to Congress*, the estimated funding need for drinking water infrastructure totaled \$335 billion (in 2007 dollars) and wastewater infrastructure needs totaled \$298 billion (in 2008 dollars). Appropriations for water infrastructure, specifically CWSRF, should not be declining but remaining strong in order to meet these critical needs. In 2015 appropriations for the CWSRF program was approximately \$1.448 billion and declined to \$1.394 billion in FY16. The President's FY17 Budget proposes only \$979.5 million for the CWSRF program; a \$414.5 million reduction from FY16 levels. We

are concerned as we see this negative downward trend continuing while the infrastructure needs only become more critical.

OWRC is supportive of the President's Climate Action Plan and related efforts to support actions that help address, mitigate, and adapt to severe weather events, like drought, that are related to climate change. It is important that climate issues are addressed through programs like the CWSRF, and to date, despite a direct connection to water infrastructure the CWSRF funding continues to diminish. In fact, there has not been an increase in funding for CWSRF since 2009; meanwhile, both infrastructure needs and the costs to address those needs continue to grow each year. Continued funding reductions has led to delaying repairs or upgrades which in turn increase the potential for catastrophic failure and is counterproductive to the Administration's desire to encourage asset management and sustainable water infrastructure. To the extent practicable, funding for climate change should be incorporated into existing programs with proven successes like the CWSRF.

We also continue to be highly supportive of the Administration's desire to expand "green infrastructure," in fact, irrigation districts and other water suppliers in Oregon are on the forefront of "green infrastructure" through innovative piping projects that provide multiple environmental benefits, which is discussed in greater detail below. However, continually reducing the amount of funds available for these types of worthwhile projects is counterproductive to the Administration's desire and has created increased uncertainty for potential borrowers about whether adequate funding will be available in future years. CWSRF is often an integral part of an overall package of state, federal and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. Reductions in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

Additionally, OWRC is pleased to see that EPA will continue "strategic partnerships" with the USDA's Natural Resources Conservation Services (NRCS) and other federal agencies to improve water quality and address nonpoint source pollution. Oregon had two priority watersheds eligible for funding through the National Water Quality Initiative in 2014 and anticipates that additional watersheds will be included in the future. As Oregon is a delegated state, OWRC also feels strongly that the Oregon Department of Environmental Quality (DEQ) is best situated to develop and implement activities to improve these and other impaired waterways in the state. DEQ and its administration of the CWSRF has been an extremely valuable tool in Oregon for improving water quality and efficiently addressing infrastructure challenges that are otherwise cost-prohibitive.

### **CWSRF Needs**

What is being proposed for FY17 is far short of what is needed to address critical water infrastructure needs in Oregon and across the nation. This will lead to fewer water infrastructure projects, and therefore a reduction in improvements to water quality. DEQ's most recent "Proposed Intended Use Plan Update #1 - State Fiscal Year 2016," lists 22 projects in need of a total of \$182,066,339 in Oregon alone. The federal capitalization grant funding awarded FY15 will total \$15,758,000, which is wholly inadequate to address and complete these much needed projects.

Unfortunately, due to recent cutbacks and lack of availability of funds, only one water improvement district submitted an application for funding in 2016, Rock Creek District Improvement Company. Rock Creek requested \$270,786 for the design and construction of HDPE piping along 1.76 miles of main canal, and qualifies for water efficiency green project reserve funding. OWRC is hopeful that with an increase in money available, more districts will apply for funding to complete projects that will not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy.

#### **CWSRF Exclusion of Irrigation Districts from Principal Forgiveness**

OWRC and our members are highly supportive of the CWSRF, including promoting the program to our members and annually submitting federal appropriations testimony to support increased funding for the CWSRF. We are supportive because it is important funding tool that irrigation districts and other water suppliers are using for innovative piping projects that provide multiple environmental benefits. However, the CWSRF is often an integral part of an overall package of state, federal and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. Irrigation districts are often located in rural communities and have a small number of farmers with limited capacity to take on loan debt. Even a small reduction in the principal repayment obligations can make the difference in whether or not a district can move forward with a project. Reductions in eligibility for principal forgiveness in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

Six OWRC member districts have successfully received loans from the CWSRF over the last several years and many more will apply if eligible to receive some principal forgiveness. Numerous irrigation districts and other water suppliers need to pipe currently open canals, which reduces sediment and water temperature and provides other water quality improvements as well as increasing water availability for fish and irrigators by reducing water loss from the delivery system. In 2009, four irrigation districts received over \$11 million funding in Oregon from the American Recovery and Reinvestment Act (ARRA) through the CWSRF for projects which created valuable jobs while improving water quality. These four projects were essential to DEQ not only meeting but exceeding the minimum requirement that 20% of the total ARRA funding for the CWSRF be used for "green" projects. Without the irrigation district projects, it is likely that Oregon's CWSRF would not have qualified for ARRA funding.

By excluding irrigation districts from principal forgiveness under the CWSRF, the loan funds become another expensive piece to the funding puzzle and will simply cost too much for districts to take on. If DEQ eliminates the ability of irrigation districts to fund water quality improvement projects, our state will fall short of what is needed to address critical water infrastructure needs in Oregon and across the nation. It will lead to fewer innovative water infrastructure projects, and therefore a reduction in improvements to water quality. OWRC is hopeful that this terminology issue can be resolved at the federal level, and allow irrigation districts to apply for funding with principal forgiveness to complete projects that will not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy.

### **The Importance and Success of Local Watershed Planning**

Oregon's success in watershed planning illustrates that planning efforts work best when diverse interests develop and implement plans at the local watershed level with support from state government. Oregon has recently revised their CWSRF rules; thus making conservation easier and its benefits to be better achieved in the State. As the national model for watershed planning, Oregon does not need a new federal agency or Executive Branch office to oversee conservation and restoration efforts. Planning activities are conducted through local watershed councils, volunteer-driven organizations that work with local, state and federal agencies, economic and environmental interests, agricultural, industrial and municipal water users, local landowners, tribes, and other members of the community. There are over 60 individual watershed councils in Oregon that are already deeply engaged in watershed planning and restoration activities. Watershed planning in Oregon formally began in 1995 with the development of the Oregon Plan for Salmon Recovery and Watershed Enhancement, a statewide strategy developed in response to the federal listing of several fish species. This strategy led to the creation of the Oregon Watershed Enhancement Board (OWEB), a state agency and policy oversight board that funds and promotes voluntary and collaborative efforts that "help create and maintain healthy watersheds and natural habitats that support thriving communities and strong economies" in 1999.

### **Conclusion**

In conclusion, we applaud the CWSRF program for allowing Oregon's DEQ to make targeted loans that address Clean Water Act issues and improve water quality but also help incentivize innovative water management solutions that benefit local communities, agricultural economies, and the environment. This voluntary approach creates and promotes cooperation and collaborative solutions to complex water resources challenges. Conversely, exclusion of irrigation districts from principal forgiveness under the CWSRF program has a very negative effect on jobs and local economies. We respectfully request the appropriation of at least \$2 billion for the U.S. Environmental Protection Agency's Clean Water State Revolving Loan Fund for FY 2017.

Sincerely,

April Snell, Executive Director

Phone: 503-363-0121 Address: 795 Winter St. NE, Salem, OR 97301



## Partnership for the National Trails System

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GARY WERNER, EXECUTIVE DIRECTOR  
STATEMENT TO THE

March 23, 2016

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES

Mr. Chairman and members of the subcommittee:

The Partnership for the National Trails System appreciates your support over the past 20 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service and for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide annual operations funding for each of the 30 national scenic and historic trails for Fiscal Year 2017 through these appropriations:

- **National Park Service: \$16,233 million** for administration of **23 trails** and for coordination of the long-distance trails program by the Washington office. **Construction: \$357,200** for the Ice Age Trail and **\$250,000** for the Pacific Crest Trail.
- **USDA Forest Service: \$85 million** for **trails construction and maintenance (CMTL)** with **\$7,796 million** of it to administer **6 trails** and **\$1.3 million** to manage parts of **16 trails** administered by the NPS or BLM. **\$600,000** for **Iditarod Trail** construction and maintenance.
- **Bureau of Land Management: \$2,812 million** to administer **three trails** and for coordination of the National Trails program and **\$7.14 million** to manage portions of **13 trails** administered by the Park Service or the Forest Service and for operating five National Historic Trail interpretive centers. **Construction: \$300,000** for the **Iditarod Trail**. **Maintenance: \$300,000** for the **Iditarod Trail** and **\$250,000** for the **Pacific Crest Trail**,
- We ask that you create a **\$1.5 million National Trails System Challenge Cost Share Program** for the **National Park Service**.
- We ask that you restore the **Bureau of Land Management's Challenge Cost Share Program** with **\$3 million** of funding and allocate **\$500,000** of it for the national scenic and historic trails it administers or manages.

We ask that you appropriate **\$64,208,000** from the **Land and Water Conservation Fund** for the acquisition of **72 tracts** along **seven national scenic** and **six national historic trails** described in the **National Trails System Collaborative Landscape Planning** proposal and allocate this funding to the:

- **Bureau of Land Management: \$9,022,000**
- **US Fish and Wildlife Service: \$7,879,000**
- **US Forest Service: \$21,523,000**
- **National Park Service: \$25,784,000.**

### National Park Service

The **\$16,233 million** we request for **Park Service operations** includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding Congress provided several years ago. An increase of **\$570,000** for the **Old Spanish Trail** will enable the Park Service to

begin implementing the Trail's new Comprehensive Management Plan working with the Old Spanish Trail Association to increase volunteer participation in signing, interpreting, and educating the public about the trail. The Park Service will be better able to collaborate with the Bureau of Land Management in administering the trail and to consult with other agencies to protect the cultural and natural resources along it from destruction by energy projects.

We request an **increase of \$660,000** to expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail**, to develop GIS mapping, and to fund public educational and community outreach programs of the Santa Fe Trail Association. **Increases of \$313,224 for the Oregon Trail** and **\$255,192 for the California Trail** will enable the Park Service to work with the Oregon-California Trails Association to develop digital and social media to connect with youth in the cities along these trails providing information about their many layers of history and to better protect the historical and cultural heritage sites and landscapes along them from destruction by energy development in the West. We request an **increase of \$300,000 to \$833,000 for the Ala Kahakai Trail** to enable the Park Service to work with E Mau Na Ala Hele, the Ala Kahakai Trail Association, and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along this trail.

The **\$1,020,000** we request for the **4,200 mile North Country Trail** will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association. The **\$1,278,000** we request for the **Ice Age Trail** includes a **\$443,000 increase** to build partner and citizen capacity for building new and maintaining existing trail, protecting the natural and cultural resources on the lands purchased for the trail, and to provide the Park Service with a planner to accelerate planning of the land protection corridor for the trail.

**Construction:** We request that you provide **\$357,200 for the Ice Age Trail** to build 30 miles of new trail and several trailhead parking lots and **\$250,000 for the Pacific Crest Trail** for trail construction projects.

**Challenge Cost Share** programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. We request that you **restore the Bureau of Land Management Challenge Cost Share program**, appropriate **\$3 million** to fund it, and allocate **\$5 million** of that to fund projects along the **national scenic and historic trails**. We ask you to create a **National Park Service National Trails System Challenge Cost Share program** with **\$1.5 million** funding to continue the steady progress toward making these trails fully available for public enjoyment as a wise investment of public money that will generate public benefits many times greater than its sum.

#### USDA - Forest Service

We ask you to appropriate **\$85 million for trails construction and maintenance (CMTL)** to begin to address the considerable maintenance backlog on the trails in the National Forest System. Within this appropriation we request that you provide **\$7.796 million as a separate budgetary item specifically for the Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails and the Nez Perce National Historic Trail** within the over-all appropriation for **Capital Improvements and Maintenance for Trails**. Recognizing the on-the-ground management responsibility the **Forest Service** has for **1024 miles** of the Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **\$1.3 million specifically for these trails**.

The Partnership's request of **\$7.796 million** includes **\$1.5 million** to enable the Forest Service and Florida Trail Association to continue trail maintenance, to control invasive species, do ecosystem

restoration, and otherwise manage **4,625 acres** of new **Florida Trail** land. The **\$7.996 million** request also includes **\$2.1 million** for the **Pacific Crest Trail**, **\$2 million** for the **Continental Divide Trail**, **\$1 million** for the **Pacific Northwest Trail**, **\$826,000** for the **Nez Perce Trail**, and **\$570,000** for the **Arizona Trail**. Some of the additional funds requested will enable the Forest Service to develop Comprehensive Management Plans for the latter three trails. We also request **\$600,000** of **additional funding** for construction and for maintenance of sections of the **Iditarod Trail**.

#### **Bureau of Land Management**

Although considerably more money is needed to fully administer the **National Conservation Lands System** and protect its resources, we request that you appropriate **\$83.099 million** in **base funding** for the System. We ask that you appropriate as **new permanent base funding** **\$250,000** for **National Trails System Program Coordination**, **\$1,000,000** for the **Iditarod Trail**, **\$230,000** for **El Camino Real de Tierra Adentro Trail**, **\$1,332,000** for the **Old Spanish Trail**, and **\$4,000,000** for the Bureau to manage **4,645 miles** of thirteen other national scenic and historic trails. We request **\$300,000** to construct new sections of the **Iditarod Trail** and to maintain these trails: **Iditarod Trail - \$300,000** and **Pacific Crest Trail - \$250,000**. We also request **\$3,140,000** to operate **five historic trails interpretive centers**.

We ask you to restore the Bureau's **Challenge Cost Share** program, provide **\$3 million** for it and, direct **\$500,000** for National Trails System projects.

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System**, we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY16 and FY 17 and to direct the Bureau to include unit-level allocations within **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau has done for the national monuments, wilderness, and conservation areas -- within a **new activity account** for the National Landscape Conservation System in FY18. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

#### **Land and Water Conservation Fund**

The Partnership strongly supports the President's Budget proposal to fully fund the **Land and Water Conservation Fund** at the authorized **\$900 million**, with \$475 million from discretionary sources and \$425 million in mandatory funds for the component programs funded under LWCF. Within this amount we request that you appropriate **\$64,208,000** for the **National Trails System Collaborative Landscape Planning** proposal to acquire 72 parcels along 13 national scenic and historic trails detailed here:

##### **Bureau of Land Management: \$9,022,000 | 12 parcels | 7,409 acres**

**Lewis and Clark National Historic Trail (MT):** \$1,750,000 for preservation of pristine trail, landscape, and habitat and to provide recreation access along the Upper Missouri National Wild and Scenic River;

**Nez Perce National Historic Trail (ID):** \$3,100,000 for trail and resource conservation of sage grouse and pronghorn habitat at one of the last remaining working ranches at Henry's Lake;

**Pacific Crest National Scenic Trail (OR, CA):** \$3,172,000 for trail and resource protection within the Cascade Siskiyou National Monument in Southern Oregon and in the Mojave Desert in Southern California;

**Captain John Smith Chesapeake National Historic Trail (MD):** \$1,000,000 for preservation of threatened and endangered species habitat, increased recreation access and watershed connectivity;

##### **US Fish and Wildlife Service: \$7,879,000 | 13 parcels | 6,510 acres**

**Appalachian National Scenic Trail (PA):** \$4,000,000 to connect conservation habitats for bog turtles, black bear, Indiana bats, flying squirrels, and bald eagles along the Kittatinny Ridge;

**California National Historic Trail (ID):** \$2,500,000 to protect the largest breeding concentration of Sandhill Cranes, as well as, a haven for other waterfowl from a current farming threat;  
**Lewis & Clark National Historic Trail (WA):** \$1,379,000 to preserve unique ecosystems while increasing public recreational access near Julia Butler Hansen, Ridgefield, Franz Lake, Lewis and Clark, and Ridgefield National Wildlife Refuges;

**US Forest Service: \$21,523,000 | 29 parcels | 7,930 acres**

**Appalachian National Scenic Trail (GA, NC, TN, VA):** \$4,588,000 to relocate trail, preserve trail view sheds, provide ecological connectivity, and protect watersheds near or adjacent to the Pond Mountain Wilderness, the Roan Highlands, Rice Creek Valley, and George Washington and Jefferson NFs;

**Continental Divide National Scenic Trail (MT):** \$2,400,000 to protect pristine riparian habitat within the Gila National Forest and increase public recreational access via multi-user trails;

**Florida National Scenic Trail (FL):** \$42,000 to close a trail gap and provide connectivity and public access between protected areas along the Withlacoochee River adjacent to Suwannee River State Park;

**Pacific Crest National Scenic Trail (CA, WA):** \$14,493,000 to provide critical scenic protection to the hiker experience, improve trail location and protect wildlife habitats in the Shasta-Trinity National Forest and provide recreational access adjacent to the Columbia River Gorge National Scenic Area;

**National Park Service: \$25,784,000 | 18 parcels | 6,398 acres**

**Ala Kahakai National Historic Trail (HI):** \$6,000,000 to protect 444 archaeological sites at an ancient coastal indigenous gathering area that hosts a wealth of native plants and wildlife both above and below ground in lava tubes;

**Appalachian National Scenic Trail (NY, MA):** \$2,982,000 to support connectivity of riparian and forest habitats in the Hinsdale Flats of the Berkshire-Taconic landscape and to preserve iconic scenic viewsheds;

**Captain John Smith Chesapeake National Historic Trail (VA):** \$4,250,000 to provide public access to the site of a major encounter between John Smith and indigenous peoples and protect a major migratory bird stopover habitat;

**Ice Age National Scenic Trail (WI):** \$1,200,000 to close gaps in the trail and provide urban access in the city of St. Croix and preserve pristine northern hardwood forest and riparian habitat along tributaries to the St. Croix National Scenic River;

**North Country National Scenic Trail (MI, PA):** \$6,722,000 to protect over 2,500 acres along the Sturgeon River downstream from the Ottawa National Forest in Upper Michigan and to connect Moraine and McConnell's Mill State Parks in Pennsylvania providing recreational access via the NCNST;

**Overmountain Victory National Historic Trail (TN):** \$1,430,000 to protect the historically significant Shelving Rock Encampment site, preserve the original roadbed, and facilitate interpretation of the site;

**Potomac Heritage National Scenic Trail (NY):** \$3,000,000 to protect the Potomac and Shenandoah River corridors, provide connectivity of wetland and forest habitats, and optimal location for new trail;

### **Private Sector Support for the National Trails System**

**Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception.** These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. **They also provide private financial support for public projects, often resulting in a greater than equal match of funds.**

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In **2015 the trail organizations fostered 1,073,026 hours** of documented volunteer labor valued at **\$24,754,710** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of \$12,396,728** for the trails.



Written Statement of Mario Garcia Durham: Chair, Performing Arts Alliance and Cristine Davis:  
General Manager, Performing Arts Alliance

**Subcommittee on Interior, Environment, and Related Agencies**  
Committee on Appropriations | United States House of Representatives

**The Importance of Funding for the National Endowment for the Arts (NEA)**  
**March 23, 2016**

Mr. Chairman and distinguished members of the subcommittee, we thank you for the opportunity to submit this testimony on behalf of the Performing Arts Alliance (PAA). **We urge the Committee to appropriate \$155 million to the National Endowment for the Arts for FY17.** PAA member organizations include:

- Alternate ROOTS
- American Composers Forum
- Association of Performing Arts Presenters
- Chamber Music America
- Chorus America
- Dance/USA
- Fractured Atlas
- League of American Orchestras
- National Alliance for Musical Theatre
- National Association of Latino Arts and Culture
- National Performance Network
- Network of Ensemble Theaters
- New Music USA
- OPERA America
- Theatre Communications Group

The Performing Arts Alliance is a national network of more than 33,000 organizational and individual members comprising the professional, nonprofit performing arts fields. We submit this testimony to highlight the importance of federal investment in the arts.

For 50 years, the National Endowment for the Arts has held a significant federal leadership role for the arts and culture in America. Its grants reach every congressional district and support arts organizations serving their communities in a variety of ways. Through the support of direct NEA grants and NEA partnerships with state arts agencies, arts organizations are helping people experience high-quality artistic presentations, access arts education and opportunities for artistic development, find their voices and share their stories, and build connections across differences. The following examples of recent NEA grantees within the PAA network are a sample of the significant ways performing arts organizations are able to serve their communities with the support of the NEA.

NEA funds benefit every congressional district, expanding access to exemplary arts performances, education opportunities, and renowned artists for all U.S. communities.

The **Repertory Dance Theatre** in Salt Lake City, UT—a member of Dance/USA—has had a long-term commitment to touring rural areas of the Mountain and Desert West including Arizona, Colorado, New Mexico, and Utah. Its tours include arts education activities offering curriculum material relating to history, music, art, and the environment. The company received FY15 Art Works support for the creation, preservation, and touring of dance works in celebration of its 50th anniversary. Funding will also support an arts education residency in the San Juan School District of Utah, a Title I school district serving rural schools with a large population of Native American students.

**Artown** in Reno, NV—a member of the Association of Performing Arts Presenters—presented a World Dance & Music Series that featured U.S. and international artists representing the cultures of Mexico, Argentina, India, and Uruguay. This outdoor performance series was offered free to the public with the support of FY15 Art Works funding. Outdoor arts festivals are among the most accessible performing arts events. In its 2010 study, *Live from Your Neighborhood: A National Study of Outdoor Arts Festivals*, the NEA noted that festivals draw demographically diverse audiences that appear to mirror characteristics of the U.S. population.

Art Works grants support the presentation of classic performances for today's audiences. **Figures of Speech Theatre** in Freeport, ME received FY16 Art Works support for its premiere of *The Little Match Girl Passion*. This production combines two classic works: Bach's *St. Matthew Passion* and Hans Christian Andersen's *The Little Match Girl* and reinvents them through a theatrical staging that includes vocalists, bunraku-style puppets, masked dance, projected shadows, and film. Figures of Speech Theatre is a member of the Network of Ensemble Theaters. **PORTopera** in Portland, ME is presenting the classic opera *Carmen* this season with the support of FY16 Art Works funds. In addition to a mainstage production, the project invites young filmmakers to choose a musical theme from the opera and collaborate with a writer and musician to create a short film of their own. PORTopera is a member of OPERA America.

NEA grants support projects that help people from different communities make connections to each other and matters greater than themselves.

Inclusion is a value of the NEA, and Art Works grants support artistic projects that intentionally engage people, artists, and communities of all demographics. An example of this is the project *A Fool's Journey* by the **Interact Center for the Visual & Performing Arts** in Saint Paul, MN. Interact, a member of Theatre Communications Group, has a mission to “create art that challenges perceptions of disability.” Through its *Fool's Journey* project, the company will collaborate with nationally recognized playwright/actor/storyteller Kevin Kling and **The Bricklayers** mask theater (a member of the Network of Ensemble Theaters) to create new theatrical works exploring the role of the fool in history, literature, and theater. This project is supported by an FY16 Art Works grant.

Young writers from Maine’s immigrant and refugee families connect with their communities through **The Telling Room’s** Young Writers and Leaders Program. The Telling Room is based in Portland, ME and is a member of Fractured Atlas. Through this program, young writers connect with adult writers, artists, and the community to tell their stories and share their experiences. Through writing, students build their self-confidence and strengthen their literary and English language skills. The project, which received an FY15 Art Works grant, culminates with the students giving multimedia presentations to a live audience.

NEA grants support projects that provide valuable opportunities for artistic development for young and emerging artists.

One of the guiding principles of the NEA’s Art Works program is “art is work for the artists and arts professionals who make up the field.” The valuable opportunities for training and for creation of work provided by NEA-supported projects are important to artists who are emerging professionals and those who are still students.

Salt Lake City’s **Ballet West** produces an annual *Innovations* series which provides a platform for new, experimental choreography for renowned and up-and-coming choreographers. *Innovations 2016*, which is supported by an FY16 Art Works grant, will showcase new works created by Ballet West company dancers, helping them to emerge from the corps and introduce themselves to audiences as choreographers. The 2016 series will also feature a new work created by internationally-recognized choreographer Jessica Lang. Ballet West is a member of the Association of Performing Arts Presenters.

Arts organizations create opportunities for K-12 students and lifelong learners to hone their craft alongside accomplished master artists. **American Composers Forum**, based in Saint Paul, MN, received an FY16 Art Works grant to support its BandQuest program, which fosters the artistic development of middle school band students. The program brings world-class U.S. composers to middle schools to write music specifically for those students. Students experience a unique opportunity to train with and learn professionalism from an accomplished artist. **Centrum** in Port Townsend, WA—a member of Chamber Music America—received FY15 Art Works support for its workshop series that presented renowned master artists, including Sherman Holmes, an NEA National Heritage Fellow. Holmes and other master artists led week-long, intensive workshops for musicians to explore the legacy of American blues music.

NEA funding supports arts organizations’ work to educate communities about local and national history and create safe spaces for community dialogue.

Art Works grants are supporting arts organizations’ projects to connect us to our nation’s past and to encourage community conversations about history’s impact on our society. In Saint Paul, MN, the Penumbra Theatre and the History Theatre each received FY16 Art Works support for productions addressing issues of race and social justice. Both are members of Theatre Communications Group.

**Penumbra Theatre's** production of *Sunset Baby* by Dominique Morisseau explores the legacy of the revolutionary Black Power movement through the eyes of different generations. The company will develop contextual materials and audience engagement activities that explore issues of race and social justice, such as classroom study guides, post-play discussions, and a possible panel discussion with former Panther Party members including Erika Huggins and co-founder Bobby Seale.

This season, **History Theatre** produced *George Bonga: Black Voyageur* by Carlyle Brown with the support of FY16 Art Works funding. The play examines race, power, and justice in early Minnesota history through the story of George Bonga, a fur trader who became a legendary figure in Minnesota's history. Born in the early 1800s and of Native American, French, and African-American heritage, Bonga's life spanned the closing of the fur trade era, the influx of new European settlers, and the appropriation of Indian lands through treaties. The production included opportunities for post-performance discussions with experts and scholars on local history.

The artistic programming of the arts organizations supported by the National Endowment for the Arts gives vitality to their communities in numerous ways beyond the examples provided here. The federal investment in the NEA places value on the role of arts and culture in our society, and it realizes significant returns that are both measurable and intangible. We celebrate the NEA's FY16 budget increase—the first since FY11—and urge you to please support no less than \$155 million to the National Endowment for the Arts in FY17. Thank you for considering our request.

Sincerely,



Mario Garcia Durham  
Chair  
Performing Arts Alliance

Cristine Davis  
General Manager  
Performing Arts Alliance

TESTIMONY OF EDWARD W. SHEPARD, PRESIDENT, PUBLIC LANDS FOUNDATION  
 THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED  
 AGENCIES; COMMITTEE ON APPROPRIATIONS;  
 ATTENTION: OUTSIDE WITNESS TESTIMONY  
 FISCAL YEAR 2017 BUDGET – BUREAU OF LAND MANAGEMENT

March 23, 2016

MR. CHAIRMAN

We thank you for this opportunity to present your committee with our views regarding the Bureau of Land Management's (BLM) budget request for FY 2017. As a national, non-profit organization with more than 700 members, comprised principally of retired, but still dedicated, BLM employees, the Public Lands Foundation (PLF) has a unique body of experience, expertise and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the National System of Public Lands (NSPL). The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of the BLM by 1) encouraging professionalism of its employees, 2) increasing the public's understanding of and support for the proper management of the NSPL, and 3) promoting scientific management of lands administered by the BLM. We are strong advocates for keeping public lands in public hands.

Overview

The BLM manages the most diverse landscapes in the Nation's portfolio; providing stewardship to more than 245 million acres of land and 700 million acres of mineral estate from the north slope of Alaska to Jupiter Inlet in Florida, and from tundra, to old growth forests, to desert landscapes. These lands consist of many attributes; habitat for thousands of species of plants and animals, clean water, cultural resources, scenic beauty, solitude, and special places. They also provide the opportunity to provide the Nation with wealth from its many resources including oil and gas, coal, renewable energy, non-energy minerals, all types of recreation, forage for livestock, timber, and wild horses and burros. The economic value of these lands to the American people is immense; according to the *Department of the Interior Economic Contribution* report of July 2014, these lands generate combined revenues in excess of \$107 billion and over 446,000 jobs. These lands are important economically to the United States as a whole; they are vital to the many rural communities throughout the West that are intermixed with these lands and whose citizens work and recreate on the lands. However, these uses and values can only be achieved when there is some balance in the programs to provide for the diversity of uses and maintenance of healthy, resilient landscapes.

The PLF strongly supports the dedicated professional employees of the BLM and other agencies. The nature of the BLM mission is employee intense. Some of the work can be done by contractors, but much of it requires BLM employees that are professionally trained in their respective fields. These public employees enter these fields because of their commitment to the lands and resources. Over the years these committed public servants have done their best to implement the laws and policies of the Administration and Congress, yet they are often maligned

and even physically confronted by those that disagree with those laws and policies. We ask that this subcommittee do what it can within its powers to support the dedicated employees in the resource management agencies.

#### Budget Overview

The PLF recognizes and appreciates the difficult decisions that must be made by the Congress and the Administration to allocate scarce dollars to programs that generate the best economic and social returns. The PLF believes the BLM budget proposal strives to provide a balance across most areas that will help it meet national priorities. We support the requests for the “all of the above” approach to provide vital energy needs from traditional energy sources and renewable energy sources. Environmentally sound development of the Nation’s energy resources and the infrastructure to deliver the energy can contribute significantly to the country’s energy independence. However, we also have some significant concerns over several proposals contained in the request.

We support the BLM’s request for Congress to charter a national BLM Foundation, as it has for other land and resource management agencies. Such a Foundation would partner the BLM with the public to bring in key resources and partnerships to assist the BLM in the management of the NSPL. We also support the proposed legislative changes to provide oil and gas inspection fees, an abandoned mine land fee for new hard rock mines. For example, current estimates to clean up the Gold King Mine in Colorado are \$9-21 million. An abandoned mine land fee could help fund this clean-up. These types of fees are even more important given the current budget climate.

Over the past several years, the BLM, U.S. Fish and Wildlife Service (FWS), the Forest Service, Natural Resources Conservation Service, and state wildlife management agencies across the West have worked together to develop and implement conservation plans for managing the sage-steppe ecosystem to conserve the Greater sage-grouse and other sage-steppe obligate species to prevent the need to list the sage-grouse under the Endangered Species Act. These efforts along with the substantial increases in sage-grouse funding have been successful in keeping sage-grouse off the threatened and endangered species list. We support the request for an additional \$14.2 million, largely for on the ground treatment to protect sage-grouse habitat from wildfire and invasive species. These efforts are critical in preventing the need to list sage-grouse in the future. Although the southwest states are not focused on sage-grouse, continued funding of collaborative management of ecosystems is critical to sustaining habitat for numerous listed species and those being considered for listing.

We also support the requests for an additional \$16.9 million for planning and \$13.7 million for managing the National Conservation Lands. Planning provides the foundation for all other BLM activities. Increases for Assessment, Inventory and Monitoring targeted for high priority areas such as the Western Solar Energy Plan and the National Petroleum Reserve-Alaska; new sage-grouse plans and geospatial are vital to the implementation of other BLM programs. Funding increases are needed for the effective management, particularly for newly designated areas.

BLM has made great progress in its “Engaging the Next Generation” program. The PLF supports efforts to get youth involved in the outdoors and to gain an appreciation for the

resources the nation offers. Many of the members of PLF gained an appreciation for land management either from working on ranches and farms or by involvement in activities, such as the ones proposed in this budget. We hope some of the participants in these programs may decide to go into careers in natural resource management and fill the jobs of the many employees nearing retirement.

We are pleased to see the continued emphasis BLM is placing on youth programs. The Phoenix Youth Initiative, hands on the land, and Take it Outside are all tremendous programs getting youth engaged in natural resources and the outdoors. However, when it comes to hiring these young people, the agencies are hindered tremendously by hiring practices that make it difficult to hire young people and interns who have participated in these programs. In short, tremendous work has been done in the Play, Learn, Serve aspects of the Secretary's youth initiative, but there has been little progress in the Work component.

One of the biggest challenges that the BLM faces is finding a workable and acceptable solution to the Wild Horse and Burro problem. There is probably no BLM issue that receives more passionate input from the public and local governments than this program. The BLM has tried several approaches to resolve the problem of rapidly expanding horse populations yet continues to be stymied in finding and effectively implementing a solution that the public will accept. The budget proposes to start research on more effective fertility control methods and other actions suggested by the National Academy of Science study, but results from these actions are years off and will involve study and preparation of lengthy National Environmental Policy Act documents and, likely, result in litigation. Meanwhile the herds continue to grow, doubling every four to five years. In addition, the cost to feed and care for these animals for their relatively long life consumes a major part of the program budget. We applaud BLM's efforts to increase cooperative efforts in managing wild horses and burros. However, pursuing cooperative efforts takes work. It is incomprehensible to us that wild horse and burro program funding would be reduced, even by only \$572,000 at such a critical time.

Of equal concern is the elimination of the Challenge Cost Share program. This program has been successful for many years in generating partnerships and providing for on the ground work which otherwise would not be accomplished. There is a mechanism in place to ensure projects support the highest priorities of the Bureau. In addition, each dollar of challenge cost share money generates at least a dollar of matching funds. Eliminating the \$2.4 million dollar program would effectively be a reduction of \$4.8 in on the ground management capability.

Another concern is the reduction in the O&C program of nearly \$1 million in addition to the \$6 million reduction in the 2016 enacted budget. The O&C districts are scheduled to complete new Resource Management Plans in 2016. The management prescriptions under the new plans are complex as BLM works to balance its obligations to manage forests to provide timber and revenue and conservation of listed species. We request that funding for the O&C maintained at no less than the 2016 level of \$108 million.

A large part of managing the landscapes for resiliency involves managing for wildfire. Agencies in the Department of the Interior and the Forest Service have discussed for years the need to manage fuel loads and to implement more actions on the ground to build resiliency in

forest and rangelands to reduce the risks and severity of catastrophic wildfire. The area needing treatment is huge. There has been improvement in conditions where projects have been implemented, however the scale and pace of treatments needs to expand and this can only be done with adequate budgets and a large landscape approach, which can only be accomplished with close coordination with other Federal, state and local agencies, and private property owners.

The agencies also do a great job of suppressing nearly all of the wildland fire starts, catching around 98% of the fires with initial attack. However, the one or two percent of fires that escape initial attack become very expensive and over the past several years have quickly consumed the agencies suppression budget requiring them to "borrow" from other accounts. This transfer of funds, often in the hundreds of millions of dollars, diminishes the agencies capabilities to implement planned fuel reduction and projects in other program areas. The PLF supports the Department's Wildland Fire proposal to change the way large fires are funded to provide more flexibility to the agencies in funding suppression and land treatment projects. Much of the Department's proposal compliments the proposed Wildfire Disaster Funding Act (WFDA). The PLF supports the proposed changes in this budget and encourages the passage of the WFDA or similar legislation.

Mr. Chairman, we do appreciate the hard choices that this Subcommittee has before it. Perhaps the creation of a BLM Foundation would help leverage scarce budget dollars. The BLM is the only major land management agency without a congressionally chartered foundation in place to support its efforts. A BLM Foundation could help bring additional resources to key initiatives like the National Conservation Lands, wild horses and burro management, restoration projects, and many other areas. We hope that our comments will be of help as you work through the FY 2017 budget process.

-END-

**Testimony of**  
**Kurt Riley, Governor**  
**Pueblo of Acoma**  
**House Interior Appropriations Subcommittee**  
**FY 2017 Federal Indian Programs Budget**  
**Submitted for the Record**

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**Requests for additional funding and/or support:**

1. BIA Cultural Items Unit
2. Water Litigation Funding
3. Uranium Mining and Water—Building a Bridge with a Pipeline
4. Traditional Irrigation Systems
5. Smaller IHS Hospitals
6. Historic Preservation
7. Johnson O'Malley Program
8. Mesa Hill Bridge
9. Carcieri "Fix"
10. Sky City Community School

**Introduction.** The Acoma people are an ancient people. We have lived at Acoma Sky City, our mesa-top home, for at least 1000 years, making it the oldest continuously inhabited community in the United States. We are proud to be U.S. citizens and proud that we retain the culture, language, and beliefs of our ancestors from a time long before the establishment of the United States. Acoma Sky City is the heart of our community. Acoma religious, cultural, and social life revolves around Acoma Sky City, both on a daily basis and during festival times. Acoma Sky City is one of only 28 National Trust for Historic Preservation sites and has received numerous other designations, including National Landmark status and listing as a World Heritage Site. One of the youngest historic buildings at Acoma Sky City is a Spanish mission that is, itself, over 360 years old. However, far older structures remain, with the oldest integrated into a three-story row of adobe buildings just off Sky City's central plaza. Based on our research, these traditional Acoma homes are likely the oldest continuously inhabited homes in the United States.

**The Trust Responsibility.** As this Subcommittee understands, the relationship between the United States and Indian Tribes is unique. Because of the course of history, there has arisen a trust responsibility on behalf of the United States to support Indian Tribes in our efforts to develop and maintain thriving, healthy communities. Regrettably, that responsibility has not been fully met, although I would like to thank this Subcommittee for frequently proposing increased funding levels for Federal Indian programs. I ask the Subcommittee to consider what it would take to fully meet that responsibility and to stand strong in defense of America's first commitment, which is to its Native peoples.

**The Lincoln Canes and the Government-to-Government Relationship.** Additionally, Tribes are not like other groups within American society. We are sovereign governments

and have a government-to-government relationship with the United States. Every Pueblo governor carries a cane from Abraham Lincoln, which was specifically presented to the governors 150 years ago to acknowledge our sovereign authority over our lands and our people. This cane is a physical embodiment of the recognition of our status and of the commitment of the United States to protect and respect our sovereign rights, as well as to support the well-being of our communities.

For most of the budget areas set forth below, I have set forth a description of a real-life example from Acoma of the need.

**1. Bureau of Indian Affairs Cultural Items Unit.** Last year alone, the Pueblo of Acoma suffered 10 incidents involving at least 24 items of cultural patrimony that were illegally removed from Acoma lands and offered for sale. The theft and sale of Acoma cultural patrimony threatens our cultural survival and our ways of life. Acoma has engaged in the struggle against the loss of its cultural patrimony in numerous ways, including litigating in France to seek to recover items for sale at private auction houses; supporting the development of domestic legislation to end the theft and sale of cultural items; and working with the Bureau of Indian Affairs (BIA) to recover stolen items. In order to fully support Acoma in its efforts to recover cultural items and shut down the extremely lucrative black market involved in trafficking cultural patrimony, the BIA needs resources dedicated to developing a unit specifically designed to coordinate investigation of such crimes. **We request \$1 million for a Cultural Items Unit within the BIA Division of Law Enforcement to investigate violations of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq., and related law.**

**2. Water Rights Adjudication Funding.** The Pueblo of Acoma is a party in the water adjudication, *State of New Mexico v. Kerr McGee*, which was filed in 1983 to adjudicate water rights on the Rio San Jose, a tributary of the Rio Grande in New Mexico. Each year, Acoma applies for Federal funding to support negotiation and litigation, usually receiving between 13% and 45% of its request. This is a financial hardship for Acoma, whose economic revenues have declined dramatically in recent years. The federal trust responsibility includes the defense of tribal water rights. **Acoma seeks additional Federal financial support for water rights adjudication costs.**

**3. Uranium Mining and Water—Building a Bridge with a Pipeline.** Acoma remains deeply concerned about the potential impact of renewed uranium mining on Mt. Taylor—a mountain sacred to the Acoma people. Our past experience teaches us that uranium mining is dangerous to individuals, to families, and to communities. Mining proponents claim that uranium mining can “now” be done safely, but Acoma insists that this be demonstrated to a high degree of scientific certainty. We have had a positive experience, however, with one company, Roca Honda, which has agreed to build a pipeline to deliver water produced by mine dewatering and treated to potable standards to the Rio San Jose, providing a precious resource for Acoma and many other users of water. **Acoma seeks \$5-9 million in Federal funds to partially cover the costs of this \$40-45 million pipeline.**

**4. Traditional Irrigation Systems—Rio Grande Pueblos Irrigation Infrastructure Improvement Act.** Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. However, minimal funding has been allocated for implementation of this Act. **Acoma requests that this Act receive substantial funding.**

**5. Smaller IHS Hospitals—Funding Health Care at the Front Line.** The Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL hospital) provides critical health care services to the Pueblo of Laguna and the Pueblo of Acoma, as well as services to the I-40 corridor and to surrounding Navajo and other communities. However, the quality and quantity of services offered by the ACL hospital has declined markedly in recent years, resulting in an adverse effect on the health status of the two Pueblos, which already suffer from high rates of diabetes and other serious medical conditions. It is Acoma's sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities than to maintain higher healthcare services and programs at the smaller facilities located in many Indian communities. Although that might be economically efficient, it comes at the price of providing quality care within many Native communities, forcing patients to travel substantial distances and thus creating one more hurdle to assuring adequate care. **We urge sufficient funding for IHS to provide an expanded range of health services at all of its facilities.**

**6. Historic Preservation.** It is very important to increase funding for tribal historic preservation programs. We are our culture and our culture is an important part of the American Experience, and only Tribes can say what is or is not part of a Tribe's culture. Tribes need funding to establish their own Tribal Historic Preservation programs equivalent to State programs under the National Historic Preservation Act. State Historic Preservation Officers often lack knowledge concerning Tribal traditional cultural properties and rarely have time for meaningful consultation with Tribes before signing off on state and federal projects that profoundly affect these sites. This has happened to Acoma twice within the past year, and can lead to litigation that unnecessarily delays projects. **We urge an increase in funding for the tribal historic preservation programs.**

**7. Johnson-O'Malley Program.** The JOM programs provides supplementary educational service/assistance to meet the unique and specialized educational needs of Indian children attending Public Schools by promoting student achievement and incorporating Native American languages and culturally based educational activities in the learning process. The Johnson-O'Malley Program is the only federal program that by law (25 CFR Part 273) gives "vested authority" to the parent committees to design and implement their own JOM programs. Based on a need assessment, each plan is tailored to meet the unique and specialized educational needs of Pueblo children to ensure that

they reach their educational goals. **We urge an increase in funding for JOM to increase the current per student allocation and prepare for future student count increases.**

**8. Mesa Hill Bridge—A Growing Safety Concern.** Acoma is bisected by a major trans-continental rail line. With over 80 large trains passing through the reservation everyday, but no bridge over the tracks, Acoma has experienced significant safety issues as the hospital is on the north-side of the tracks, while the school, Head Start, government, and Acoma housing areas are on the south-side. Acoma Pueblo applied seven times for U.S. Department of Transportation TIGER funds and has been denied funding. **Acoma Pueblo urges support for increased funding and set-aside funding for Indian tribes to build this large important transportation safety project.**

**9. Support the *Carcieri* “Fix.”** Although there is no question that Acoma was “under Federal jurisdiction” in 1934, and thus is not subject to the immediate harmful effects of the Supreme Court’s decision in *Carcieri v. Salazar*, it is still important that this holding be overturned by Congressional legislation. The President has once again included *Carcieri* “fix” language in his FY 2017 budget, and this Committee strongly supported “fix” language earlier, including it within the FY 2011 appropriations bill. **Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.**

**10. Sky City Community School – Poor Condition of Facility.** According to a March 2016 Government Accountability Office (GAO) report, there is a need to address the safety and health deficiencies in Bureau of Indian Education (BIE) school facilities. Further, the BIE failed to complete building inspections due to weaknesses in its building inspection program. The Sky City Community School is in poor condition and needs replacement including housing for school staff. Acoma Pueblo students cannot wait for the BIE and Bureau of Indian Affairs to improve their deficient building inspection program. Acoma Pueblo requests for immediate funding to start the planning, design and engineering services for a new school facility. **Acoma Pueblo requests that construction funds be provided immediately after the school design is complete.**

**Conclusion.** Thank you for this opportunity to provide written testimony to this Subcommittee. Your work is of great importance to America’s Native peoples and it is greatly appreciated.

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**Office of the Governor**

Written Testimony

Of

Governor Michael T. Sandoval  
Pueblo of San Felipe  
San Felipe, New Mexico

To

House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

March 23, 2016

Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee, thank you for giving me the opportunity to submit testimony for the record on the FY 2017 Interior, Environment, and Related Agencies appropriations bill.

Kuwaitisi. Hello. The Pueblo of San Felipe is one of the most culturally conservative of New Mexico's 19 Pueblos. The Pueblo is located about half way between Albuquerque (about 30 miles to the north) and Santa Fe (about 40 miles to the south) at the foot of the Mesa de Tamita. We have existed on this land since the mid 12<sup>th</sup> century.

I respectfully submit this testimony on behalf of the Pueblo of San Felipe to inform the Committee of some of the very important programs to not just the Pueblo of San Felipe but to Indian Country as a whole.

The Pueblo of San Felipe is not at all unique when it comes to the issues facing the rest of Indian Country. With a population of just over 3,000, we are not immune to the issues of poverty, high unemployment and high school drop out rates as well as a high incidence of drug and alcohol abuse. In fact, almost 40% of our residents live below the poverty line compared with just 18% for the rest of the state and over 43% of our children living on the Pueblo are impoverished.

As Governor, I take very seriously the central role tribal governments have to protect our citizens. We at the Pueblo of San Felipe share our collective experiences, both ancient and modern, with all Native Americans in Indian Country. It is in these shared experiences that Native people can reflect on our shared social and economic hardships due to a legacy of dispossession, attempted subjugation, and economic deprivation over centuries. It is these hardships that have lead to a successful resurgence of tribal sovereignty and self-determination in

remedying the challenges that have been forced upon Native peoples. But Washington's recent budget tightening and economic austerity (sequester, etc.) make it much more difficult. After all, leaders throughout Indian Country seek the same outcomes as other state and national leaders: to protect the health, safety, and prosperity of the people we serve. It is my hope that Congress will do what is right by American Indians in the upcoming appropriations process and fund vital programs at appropriate levels. Adequate and sometimes increased funding to meet the educational needs of Indian youth; provide adequate health care via the Indian Health Service; ensure responsible resource development for the future; provide safe and secure tribal communities; and supply the long-term investments in tribal public infrastructure and services required to ensure every American Indian enjoys a decent quality of life and has an opportunity to succeed.

I would like to address the specific funding bill this Committee has jurisdiction over, the Interior, Environment, and Related Agencies appropriations bill for FY 2017, and highlight some of the areas of importance to the Pueblo of San Felipe

#### **Support for Tribal Governments**

- Provide full funding to BIA and IHS Contract Support Costs
- Full funding for Fixed and Tribal Pay Costs
- Increases via tribal base funding instead of through grants for tribal Governments

#### **Education**

- Provide \$2 billion for Impact Aid, Title VII funding under the Every Student Succeeds Act.
- Provide \$10 million to fund Tribal Education Agencies.
- Provide \$42 million for full funding of Johnson O'Malley.

- Provide \$109 million for BIE facilities operations.
- Provide \$76 million for BIE facilities maintenance.
- Provide \$431 million for the Indian School Equalization Formula.

#### **Health Care**

- Provide \$6.2 billion for Indian Health Service

#### **Child Welfare**

- \$43 million for BIA Child Protection and Family Violence Prevention Grant program.
- Increase funding levels to \$80 million to support tribal services that assist families in crisis.

#### **Economic & Workforce Development**

- \$15 million for Office of Indian Energy & Economic Development Indian Loan Guarantee Program
- \$25 million for Office of Indian Energy & Economic Development

#### **Environmental Protection and Natural Resources**

- \$75 million for Indian Environmental General Assistance Program Fund

#### **Energy**

- \$5 million for Office of Indian Energy and Economic Development

#### **Transportation**

- \$40 million for BIA Roads Maintenance

These funding levels as well as other increases in funding for important programs across Indian Country are vital to live up to the trust responsibility the United States government has to Indian Country. I am confident that this Congress will work in a way that is good for tribes and allow tribes to make progress on key issues such as energy, trust modernization, tribal infrastructure, housing, telecommunications, economic development, labor and tax reform.

# PVC PIPE ASSOCIATION

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March 23, 2016

**Written Statement to the House Committee on Appropriations Subcommittee on Interior,  
Environment and Related Agencies for the Hearing Record of March 23, 2016.  
Bruce Hollands, Executive Director, PVC Pipe Association.**

Open Competition for Water and Wastewater Piping Projects:  
More Options, Innovation and Lower Costs

The Uni-Bell PVC Pipe Association is a not-for-profit organization representing 95 percent of the manufacturing capacity of the North American PVC pipe industry. Our pipe producing members operate over 90 facilities in the U.S. and our associate members (suppliers) hundreds more. PVC pipe extrusion facilities are found in 32 states across the United States: California has the most plants (9), followed by Texas (6), Arizona (5) and Pennsylvania (5).

The PVC pipe industry serves a vast and complex market including 54,000 drinking water systems, 10,000 wastewater facilities and 15,000 sewer and wastewater contracting firms. PVC water and sewer pipe producers contribute in excess of \$14 billion annually to the U.S. economy and support over 25,000 jobs.

The Environmental Protection Agency (EPA) manages taxpayer dollars under the State Revolving Fund's (SRF's) for water and wastewater projects in every state. It is important for all states and municipalities receiving federal funding to use open and free bidding processes and to consider all approved piping materials so that the most cost effective, longest lasting and best performing piping is used.

According to the U.S. Conference of Mayors, underground pipes represent 60 percent (\$2.28 trillion) of the \$3.8 trillion needed in investments for water and wastewater infrastructure over the next 20 years. As a result, it is here that open procurement policies and practices should be focused.

Since the 1970s the U.S. Department of Agriculture's (USDA) Rural Development Program has required that the funding it provides rural municipalities for water and sewer projects be spent in an open and competitive manner. It is time for the EPA to have similar requirements.

Richard Anderson, Ph.D., Senior Advisor to U.S. Conference of Mayors Water Council, who is also a proponent of procurement reform for underground infrastructure, reports that water and sewer pipelines are deteriorating faster than the rate at which they can be replaced because of corrosion, which is the leading cause of the water main break epidemic in North America (estimated at some 300,000 breaks annually). According to a 2002 congressional study, corrosion is also a drag on the economy, costing U.S. drinking water and wastewater systems over \$50.7 billion annually. As a result, any comprehensive and truly sustainable underground infrastructure strategy must address corrosion.

Today's corrosion crisis is due to the materials used in America's piping networks over the last hundred years. At first, cast iron was used, with ductile iron gradually replacing it as the material of choice. Both now suffer from corrosion. In fact, studies have shown that newer iron pipes do not last as long as older versions because of their thinner walls.

The burden of old technology materials is not limited to the cost of repairing and replacing failed pipelines. It includes the cost of losing treated water from leaking systems. Leaking pipes made from old technology materials lose an estimated 2.6 trillion gallons of drinking water annually, or 17 percent of all treated water pumped in the United States.

The solution to these problems begins with sustainability, durability and corrosion resistance, and this is why more utilities must actively consider all approved piping materials like PVC in their bidding processes. Increased durability means fewer leaks, better water conservation and lower costs. As a result, any comprehensive action plan for water and wastewater infrastructure renewal must also include reform of municipal procurement practices that limit competition, shackle innovation and increase costs.

We believe that to get the most efficient and sustainable use of federal money for water and wastewater projects, free and open competition must be the operating standard. Federal grants provided to municipalities should have open competition stipulations similar to those required by the USDA Rural Development Program for water and sewer projects. In this way federal dollars obtain maximum value for taxpayers. When products are excluded from bidding, taxpayers suffer as does the efficiency of our infrastructure.

With over two million miles in service, PVC pipe has been celebrated by *Engineering News Record* as one of the top 20 engineering advancements of the last 125 years. A study by the American Water Works Research Foundation recently quantified the life expectancy of PVC pipe at more than 110 years – making it excellent for long-term asset management and sustainability. Furthermore, PVC pipe is more efficient to manufacture, taking four times less energy to make than concrete pressure pipe, and half that used for iron pipe.

As well, PVC pipe is cost effective, has watertight joints and its lightweight reduces transportation and installation costs, yielding additional greenhouse gas reductions. It is also totally recyclable, though most of it has yet to enter the recycling stream given its great durability.

The PVC pipe industry has published the first North American industry-wide environmental product declaration (EPD) for PVC water and sewer piping, which has been verified by NSF Sustainability, a division of global public health organization NSF International. PVC pipe is designed to minimize environmental impacts due to its corrosion resistance, enabling long-term durability. This third-party verified, ISO 14025 compliant EPD was the next step in validating the safety and sustainability of PVC piping products. With the completion of this EPD, the PVC pipe industry has demonstrated its continued commitment to product safety and transparency.

- [Environmental Product Declaration for PVC Water and Sewer Piping – NSF international](#)

Numerous organizations have published studies on the need to update procurement practices to more cost effectively finance our underground infrastructure. Below are links to some of these reports:

- [Procurement Process Improvements Yield Cost-Effective Public Benefits](#)
- [Reforming Our Nation's Approach to the Infrastructure Crisis: How Competition, Oversight, and Innovation Can Lower Water and Sewer Rates in the U.S.](#)
- [Lowering Costs in Water Infrastructure through Procurement Reform: A Strategy for State Governments](#)
- [Fixing America's Crumbling Underground Water Infrastructure: Competitive Bidding Offers a Way Out](#)

Also please find links to water main break rate and pipe longevity studies by Utah State University's Buried Structures Laboratory, which determined that PVC has the lowest break rate of all water piping materials and the longest lifespan:

- [Water Main Break Rates in the USA and Canada: A Comprehensive Study](#)
- [PVC Pipe Longevity Report: A Comprehensive Study on PVC Pipe Excavations, Testing, & Life Cycle Analysis](#)

The PVC pipe industry thanks you for letting us submit a statement for this important hearing and we will be pleased to answer any questions you may have.

Respectfully,



Bruce Hollands  
Executive Director

Red Cliff Band of Lake Superior Chippewa  
 Treaty Natural Resources Division  
 Chad Abel, Division Administrator  
[chad.abel@redcliff-nsn.gov](mailto:chad.abel@redcliff-nsn.gov)

#### **Lake Superior Co-Management Program Write-up for TMDP Funding**

*This write-up was developed in conjunction with BIA Central Office staff*

Of the proposed increase to TMDP, \$750,000 will be provided to support Lake Superior Co-Management (LSCM) tribes (Red Cliff, Bad River,). The LSCM tribes are experiencing the effects of climate change disproportionately due to their cultural and functional reliance on Lake Superior, as well as their inability to relocate treaty-defined reservations. The reservations of the LSCM tribes border Lake Superior coastal shoreline, and the tribes actively participate in commercial and subsistence fish harvest across six management units and 7,051,090 surface acres of Lake Superior. The reservations' economies are fundamentally based and inextricably linked to the continued sustainable harvest of wild, native fish stocks in the 1842 ceded waters of Lake Superior.

Tribal commercial fishing on Lake Superior under the Treaty of 1842 (7 Stat. 591) and Treaty of 1854 (10 Stat.1109) with the Chippewa was affirmed in *State v. Gurnoe*, 53 Wis. 2d 390 (1972), which dismissed state prosecution against tribal fishermen and initiated the current system of self-regulation. The US District Court for the Western District of WI also dismissed allegations against tribal fishermen in *US v. Peterson*, 82CR70U (1984), in light of the regulatory provisions contained in the Lake Superior Fishing Agreement, first adopted in 1981, between the Red Cliff and Bad River Tribes and State of WI. While the rights of these tribes to manage the Lake Superior fishery was made clear in court decisions, the exact jurisdictional boundaries and roles of each Tribe in cooperation with the State was determined through negotiated efforts. Prior to, and since the federal court's decision in *US v. Peterson*, the tribes have maintained sovereign rights to regulate Treaty harvest and to cooperatively manage the shared fishery resource in Lake Superior through subsequent negotiated renditions of the Lake Superior Fishing Agreement in coordination with the State of Wisconsin in 1991, 1995, and 2005. LSCM tribes (Red Cliff and Bad River) each currently receive base TMDP funding for on-reservation management of fish and wildlife resources. Funding of LSCM will provide the funding required for Red Cliff and Bad River to co-manage tribal resources in compliance with the Lake Superior Fishing Agreement within the jurisdictions also managed by the State. This increase to LSCM (Red Cliff and Bad River) is needed to improve conservation enforcement, commercial monitoring, and data-driven fishery management activities within the co-managed jurisdictions of Lake Superior in cooperation with the State.

Since the Gurnoe Decision (1972) reaffirmed the rights of the Chippewa tribes to engage in reservation-based fish harvest, LSCM tribes have developed natural resource programs to demonstrate their co-management authority on Lake Superior and ensure sustainable fishery management. The core functions of these programs, namely fish stock assessments,

conservation enforcement and harvest monitoring, have resulted in the most spatially and temporally comprehensive database to quantify climate change impacts. The LSCM has regional and national benefit as vulnerability assessments and climate resiliency strategies are developed for the world's greatest freshwater ecosystem.

### Justification

- A major funding shortfall of Tribal Management and Development funding to the Bad River and Red Cliff Tribes has resulted in an **unmet obligation** by BIA to support treaty harvest and management responsibilities by the tribes across 7,000,000 surface acres of ceded territory on Lake Superior.
- Red Cliff and Bad River operate exclusively in Wisconsin waters of Lake Superior and directly negotiate terms under the Lake Superior Fishing Agreement, first signed in 1981, with the State of Wisconsin. Subsequent renditions of the Agreement occurred in 1991, 1995, and 2005; a 2016 Agreement is currently being negotiated.
- US District Court dismissed allegations on Red Cliff commercial fishermen in *US v. Peterson*, 82CR70U (1984)<sup>4</sup>, in light of the regulatory provisions contained in the 1981 Lake Superior Fishing Agreement. The federal decision relied upon the standing Agreement with the State in dismissing the case.
- Fish stock assessments, on-board harvest monitoring and conservation enforcement are the foundation of the Lake Superior Co-Management program. These activities are not supported through the assistance of an intertribal agency in Wisconsin waters.
- History and tradition are important to us:

THE **RED CLIFF** RESERVATION, A THIRD MEMBER OF THE LA POINTE AGENCY GROUP, IS ABOUT 24 MILES BY RAIL FROM ASHLAND. IT CONTAINS 191 INDIANS, A **PARTICULARLY INDUSTRIOUS AND DESERVING LOT OF PEOPLE**. A GOOD MANY OF THE RED CLIFF INDIANS OBTAIN THEIR CHIEF EMPLOYMENT AT THE BAYFIELD SAWMILLS, AND MANY OTHERS HAVE UNTIL RECENTLY EARNED A FAIR SUBSISTENCE BY FISHING WITH NETS IN THE BAY ALONG THE BORDER OF THE RESERVATION. THEIR FISH THEY WOULD PACK AND SHIP IN KEGS TO THE MARKET, **WORKING ON A COOPERATIVE SYSTEM**. NOW THE STATE OF WISCONSIN HAS ADOPTED LAWS WHICH FORBID THEIR NET FISHERY, ALTHOUGH THE TREATY OF 1854 BETWEEN THE TRIBE AND THE UNITED STATES GOVERNMENT GUARANTEES THEM THIS PRIVILEGE. THEY CANNOT UNDERSTAND THE CONFLICT OF STATE LAWS WITH FEDERAL TREATIES, AND STILL CONSIDER THEMSELVES ENTITLED TO FISH, THOUGH THEY HAVE MADE NO ATTEMPT TO ASSERT THEIR RIGHTS AGGRESSIVELY SINCE SOME OF THE FISHERMEN WERE ARRESTED BY THE STATE AUTHORITIES.

- 28<sup>TH</sup> ANNUAL REPORT OF THE BOARD OF INDIAN COMMISSIONERS, 1896.

But modern tribal fisheries require conscientious, data-driven management. Please support us.

LSCM Program      Red Cliff Band of Lake Superior Chippewa Indians

TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.  
 CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS  
 Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
 Regarding the FY 2017 BIA, IHS, and EPA Budgets, March 17-18, 2016

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. The budget appropriation process represents the major avenue through which the United States fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold that trust responsibility. We request \$6 million in additional FY 2017 funding for programs described herein.

Red Lake is a large tribe with 12,000 members. Our 840,000-acre reservation is held in trust by the United States. While it was diminished in size, our reservation was never broken apart or allotted, nor been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States. Due in part to our remote location, we have few jobs available on our reservation. While unemployment in Minnesota is only 3.7%, ours remains at a level of about 50%. The lack of good roads, communications, and other necessary infrastructure continues to impede economic development and job opportunities.

Sequestration Dealt a Harsh Blow to Red Lake

Sequestration has undermined Indian treaties. Tribal governments deliver core government services that were previously administered by federal agencies, based on federal treaty and trust responsibilities. In FY 2013-2016, sequestration and rescissions took more than \$900,000 each year from our Tribe's BIA base programs. We pleaded with the Administration to restore these cuts in the BIA's FY 2014 Spending Plan, but our pleas were ignored and so they continue today. We incurred additional sequestration cuts to formula-based programs like Welfare Assistance, HIP, Road Maintenance, and Natural Resources. We cannot absorb the cuts that sequestration imposed. For example, under self-governance we operate four BIA Justice Services programs: Law Enforcement, Detention, Courts, and Community Fire Protection. The BIA is obligated to provide adequate funding to meet basic public safety needs on our Reservation. But the BIA does not provide adequate funding - far from it. All of Red Lake's public safety programs are understaffed and undersupplied relative to BIA safety standards. In order to provide minimal public safety, and even with budget cuts demanded by sequestration, last year these programs had to spend \$6,774,024. But BIA provided only \$4,510,994, leaving the Tribe with a shortfall of \$2,263,030. We did not have the money to cover this shortfall. We instead had to take funds from other BIA service programs, which were also sequestered. The impacts of sequestration at Red Lake are too numerous to describe here, but include staff cutbacks and reduced hours in law enforcement and other public safety areas. Medical services at Red Lake are provided by both the IHS and the Tribe. In FY 2013 sequestration took more than \$750,000 from these programs. Because IHS failed to restore the cuts in its FY 2014 Spending Plan, they continue today. This cost the Tribe a family practice physician, longer patient wait times, delays in follow-up care, and service cutbacks including reduced medical transportation, fewer supplies, and outdated equipment. Last year, IHS cut-off funding to the Tribe for two dentists and two dental technicians. As sequestration continues, additional staff reductions will further erode patient care. Sequestration hurts our kids. Our Tribal Health program funds the Red Lake Schools' Wellness Program, which provides counselors to support students when they have problems in school, home or in the community, and are thinking of harming themselves. It

was initiated after the 2005 Red Lake School shooting with help from SAMHSA grants, after President Bush promised the government would help us and we would not be forgotten. Sadly, this promise did not endure. The SAMHSA grants ended years ago so the Tribe picked up the tab. But sequestration forced us to cut Wellness Counselors from 8 to 5, not nearly enough to assist hundreds of students in four schools. Because of a life-threatening need, we used scarce tribal health dollars to add two more Counselors, at a cost of reduced health care to tribal members. In 2014 we had four youth suicides - two girls and two boys, including Middle School students, and there were 63 cases of suicide ideation. Due to counselor interventions, 34 students were placed under protective watch and sent to appropriate medical facilities for care. The counselors initiated dozens of Safety Plans with students to seek assistance when needed. The Wellness Counselors are doing their jobs, and they can and do save lives. But under sequestration, the program is unable to reach all who need help, and more staff reductions are anticipated. Anyone who thinks sequestration is not so bad is wrong – for tribes, who must rely on federal funding for government services, sequestration has been a nightmare. The sequestration cuts imposed in FY 2013-2016 should be restored in FY 2017, and only you can do this! We specifically ask for restoration of Red Lake's base sequestration of \$1,650,000 for BIA and IHS programs in FY 2017, as well as \$2,263,030 to meet our BIA public safety shortfall.

#### FY 2017 Interior Budget Overview

We have pointed out that for at least a decade, BIA and Tribes have fared poorly when it comes to budget advances at Interior. The Department's and OMB's recent stepped-up promotion of the Native American Crosscut Budget has not allayed tribes' concerns that our critical government services programs and staff, which are financed by the BIA, are dangerously underfunded yet continued to be cut through sequestration, rescissions, and inflation. We do appreciate your help by providing BIA funding increases in FY 2014-2016, after three years of significant decreases in FY 2011-2013. The President's FY 2017 budget request is \$2.9 billion, an increase of \$138 million (4.9%) over the FY 2016 enacted level. Although it does not restore the FY 2013-2016 sequestration cuts to tribal base programs, we strongly support the President's request, and we ask that you fully fund the request.

#### Tribal Government Funding (Formerly Tribal Priority Allocations (TPA))

Tribes have suffered terrible funding cuts to most government service programs. These cuts have caused a crisis for most tribes and include: A crippling 16% TPA cut in 1996; Except for law enforcement, most tribes' base programs were flat-funded or further reduced for 20 years; Since 2000, our base programs were cut an additional 8% from *14 different, permanent rescissions* to fund federal deficit reduction, tax cuts, wars, and hurricanes; and, Pay Costs were only partially funded most years. As a result, tribes' core service funding is far less, in real terms, than 20 years ago. Our ability to provide safety and security for people who already struggle to survive under some of the worst living standards in America has been undermined.

#### Fully Fund Pay Costs and Fixed Costs in FY 2017 and Beyond

Pay Costs represent the only increase most tribal programs receive. Since FY 2001, the Department, BIA, and tribes, lost more than \$800 million from only partial funding of Pay Costs and other Fixed Costs, and along with it literally thousands of jobs. The President's FY 2017 budget includes only \$5.3 million for BIA Fixed Costs and Pay Costs – the lowest request in history (in FY 2008 BIA Fixed Costs were \$41.3 million!). And they were inaccurately described as "Fully Funded". We ask that you provide \$8 million specifically for tribes' Pay Costs in FY 2017, and that you continue to express your concerns to the Administration that Pay Costs must be fully funded in all future budgets. We also ask for \$2.1

million in FY 2017, which is the amount Red Lake is shorted each year from the failure to fully fund Pay Costs.

#### Contract Support Costs (CSC)

Thank you for directing BIA and IHS to provide full funding for CSC, we commend your leadership on this. However, despite the increases you provided in FY 2014-2016, they came at the expense of tribal program dollars. Congress and the Administration have proposed methods to separate CSC, and it is crucial that this goal be achieved in FY 2017 and beyond. We are very concerned that the FY 2016 Omnibus Appropriations Act included language that said in effect: Amounts obligated but not expended by a tribe for Contract Support during the current fiscal year shall be applied to Contract Support otherwise due for subsequent fiscal years. This means CSC effectively become one-year funds, denying tribes the carryover authority in the ISDEA. This means that if tribes haven't expended all of their obligated CSC, our CSC will be reduced the next year. Requiring an offset of CSC in succeeding years from unspent CSC in the current year upsets the IDC rate process & tribal budgets. And the timeliness of CSC payments, and the impacts to Direct Contract Support Costs add further complications. This language needs to be removed in FY 2017.

#### Tiwahe Initiative

We strongly support the Tiwahe Initiative, which is intended to provide resources and flexibilities to assist tribes in addressing the inter-related problems of poverty, violence, substance abuse, and associated outcomes such as youth suicide in Indian Country. Tiwahe offers a unique opportunity to streamline programs and services, and consolidate funding, to empower tribes to make changes to improve the lives of families. As one of the four Tiwahe pilot tribes, we were able to hire a Tiwahe Coordinator, and we empowered a Tiwahe Team, which meets regularly to advance the initiative. We have developed a strategic plan and identified goals of reducing rates of youth suicide, poverty, substance abuse, child/elder abuse and neglect, unemployment, incarceration, recidivism, family violence; and strengthening families in the areas of mental health, substance abuse, education, family services, workforce development, and cultural teachings. We have held community engagement meetings, formed a Push to End Suicide Committee, and we are engaging federal, state, and local governments to streamline services. We are utilizing our juvenile facility in a limited capacity to reduce recidivism by 20% over three years. This DOJ-built facility sat vacant for a decade because the funds to staff it never materialized. Tiwahe even enabled us to take advantage of a regional workforce need for welders, and we're now completing our second class of welding students, and a number of graduates are already working. We are so grateful for your support of Tiwahe in both FY 2015 and 2016! After decades of struggling with social and economic ills, Tiwahe has offered us hope – and we are taking advantage of it and we are building synergy. We believe that fully funding the President's FY 2017 request of \$21 million for the Tiwahe Initiative is one of the best investments Congress can make in improving the lives Indian families. Please support Tiwahe again in FY 2017!

#### BIA Justice Services Programs: Law Enforcement, Courts, Community Fire Protection

The TLOA was intended among other things to empower tribal law enforcement with resources to combat crime. We note that BIA recurring funding for tribal law enforcement agencies is the primary means for tribes to combat crime. But since implementation of TLOA, BIA funding for tribal law enforcement has not increased – it has decreased. The TLOA has failed tribes in this regard. The President's FY 2017 budget includes no increases for tribal law enforcement. We request \$10 million in FY 2017 for tribal law enforcement operations. Funding for Tribal Courts is terribly inadequate, and

remains a top priority of tribes. We support the President's FY 2017 requested increase of \$2.6 million for Tribal Courts as part of the Tiwahe Initiative, and we ask that you provide an additional \$10 million in FY 2017. Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our Reservation and protecting peoples' lives, *on a yearly BIA-funded budget of \$42,500*. We ask that you provide an additional \$10 million for Community Fire Protection in FY 2017.

#### Housing Improvement Program (HIP)

In recent years HIP funding was cut from \$19 million to \$8 million. Past funding for HIP has been terribly inadequate. Recently, we were able to build 8 new HIP homes for the poorest elderly and disabled members, who were ineligible for assistance from other agencies. We support the President's FY 2017 requested increase of \$1.7 million for HIP, but request the program be funded in FY 2017 at \$19 million.

#### Trust Natural Resources

The President's FY 2017 budget request includes an increase of \$24 million over FY 2016 for Natural Resources. We strongly support the President's request, and we ask that you fully fund it. Tribal base programs, which fund tribes' day-to-day conservation responsibilities, have been flat for many years, while other resource categories have enjoyed funding increases. This has resulted in tribes being unable to adequately manage their reservation resources. At the tribal level, most resource management activities, and the staff that perform them, are funded under the BIA budget categories of Tribal Management/Development; Natural Resources TPA; Wildlife and Parks TPA; and Forestry TPA. We again urge you to provide an increase to these programs of at least \$5 million each in FY 2017, above the President's request.

#### Indian Health Service (IHS)

The President's FY 2017 budget request for IHS is \$5.185 billion, an increase of \$377.4 million (7.9%) over FY 2016. We appreciate the additional funds you provided in FY 2014-2016, which included a commitment to restore some of the FY 2013 sequestration cuts. However, after fully funding CSC, and meeting other Administration budget priorities, IHS was unable to restore the sequestration cuts at the tribal program level. There is a tremendous unmet need for IHS and Tribal health programs, which stems from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. For FY 2017, the IHS Tribal Budget Formulation Workgroup requested \$6.2 billion for IHS, and we ask that you provide this amount.

#### EPA Programs

Water, wetlands, and the animals and plants that rely on them are vital to us. Red Lake is home to the 6th largest natural, freshwater lake in the United States and we own 60% of the Indian trust land in EPA Region 5. Vital EPA programs include General Assistance (GAP), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105. Due to our unique jurisdictional status, assistance from other agencies is non-existent. The GAP program has been flat for years, and we urge you to fund the President's FY 2017 request of \$96.4 million. Under Section 106, tribes' funding levels have decreased sharply. We ask that you increase the FY 2017 Section 106 tribal allocation to 20%.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2017, and for your consideration of these needs.



**RESTORE  
AMERICA'S  
ESTUARIES**

**OFFICIAL TESTIMONY OF  
JEFFREY R. BENOIT  
PRESIDENT AND CEO, RESTORE AMERICA'S ESTUARIES**

**PREPARED FOR**

**COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
U.S. HOUSE OF REPRESENTATIVES**

**ON**

**FISCAL YEAR 2017 APPROPRIATIONS FOR THE U.S. FISH AND WILDLIFE  
SERVICE AND ENVIRONMENTAL PROTECTION AGENCY**

**March 23, 2016**

Restore America's Estuaries is a nonpartisan, nonprofit organization that has been working since 1995 to restore our nation's greatest estuaries. Our mission is to restore and protect estuaries as essential resources for our nation. Restore America's Estuaries is an alliance of community-based coastal conservation organizations across the nation that protect and restore coastal and estuarine habitat. Our member organizations include: American Littoral Society, Chesapeake Bay Foundation, Coalition to Restore Coastal Louisiana, Save the Sound—a program of the Connecticut Fund for the Environment, Galveston Bay Foundation, North Carolina Coastal Federation, EarthCorps, Save the Bay—San Francisco, Save the Bay—Narragansett Bay, and Tampa Bay Watch. Collectively, we represent over 250,000 members nationwide.

As you develop the Fiscal Year 2017 Interior, Environment and Related Agencies appropriations bill, Restore America's Estuaries and our members encourage you to provide the following funding levels within the Department of Interior, U.S. Fish and Wildlife Service (USFWS) and the U.S. Environmental Protection Agency (USEPA) for core programs that significantly support coastal community and ecosystem resilience and local economies:

- **\$15 million for USFWS Coastal Program**  
(Interior: USFWS: Resource Management: Habitat Conservation: Coastal Program)
- **\$27.2 million for USEPA National Estuary Program**  
(USEPA: Water: Ecosystems: National Estuary Program / Coastal Waterways)

These non-regulatory investments strengthen and revitalize America's coastal communities by protecting and restoring habitat, improving local water quality, and enhancing resilience. Healthy

coastlines protect communities from flood damage and extreme weather, improve commercial fisheries, safeguard vital infrastructure, and support tourism and recreational opportunities.

### USFWS COASTAL PROGRAM

The Coastal Program (CP) is a voluntary, incentive-based program that provides technical and financial assistance to coastal communities and landowners to protect and restore fish and wildlife habitat on public and private lands in 24 priority coastal ecosystems throughout the United States, including the Great Lakes. The Coastal Program works collaboratively within the USFWS to coordinate strategic priorities and make landscape-scale progress with other federal, state, local, and non-governmental partners and private landowners. Since 1985, the Coastal Program has:

- **Partnered** with more than 5,000 federal, tribal, state, and local agencies, non-governmental organizations, corporations, and private landowners.
- **Restored** 546,390 acres of wetland and upland habitat and 2,590 miles of stream habitat.
- **Protected** more than 2.1 million acres of coastal habitat.
- **Provided** technical assistance to a diverse range of conservation partners.

Our coastal communities and ecosystems are on the front lines of changing coastal conditions and increasing extreme weather. Support for the USFWS Coastal Program helps interested communities and partners address the new set of challenges facing coastal communities. The Coastal Program is the USFWS's key conservation tool delivering on-the-ground habitat restoration and technical assistance. Despite the Program's relatively small cost, it has a tremendous impact. In 2015 alone, the Coastal Program, along with 455 local partners, completed 266 projects restoring or protecting more than 90,000 acres of wetlands and uplands and 194 miles of stream habitat. A recent estimate by USFWS Coastal Program staff shows that the program **leverages, on average, \$8 non-federal dollars** for every federal dollar spent. This makes the Coastal Program one of the most cost-effective habitat restoration programs within the U.S. Fish and Wildlife Service.

The Coastal Program **stimulates local economies** by supporting jobs necessary to deliver habitat conservation projects, including environmental consultants, engineers, construction workers, surveyors, assessors, and nursery and landscape workers. These jobs generate indirect economic activities that benefit local hotels, restaurants, stores, and gas stations. In total, the Coastal Program estimates that the average project supports 60 jobs and stimulates 40 businesses resulting in nearly thirteen dollars in economic returns for each dollar of federal investment. Additionally, restoration jobs cannot be outsourced and \$0.90 of every dollar spent on restoration stays within the state.

In Puget Sound, Washington, the Coastal Program invested \$20,000 to support a project to clean up and remove old and abandoned fishing gear from the water, resulting in a direct economic impact to the local economy of \$51,000. Lost and abandoned fishing gear like nets, lines, crab and shrimp traps pose many problems for people, fish and marine animals. Each year, derelict crab pots are estimated to trap and kill 372,000 Dungeness crabs, resulting in losses to the fishery

of \$1.2 million – 30-40% of the value of the annual commercial catch of Dungeness crab in Puget Sound. This project removed 84 gillnets—preventing the loss of approximately 370,000 crabs and returning an estimated value of well over \$1.5 million to the crab fishery alone.

In San Diego Bay, California, the Coastal Program provided funding and technical assistance to project partners to restore 300 acres of wetland, mudflat, and upland habitat to benefit more than 90 species of resident and migratory birds. Project partners transformed highly degraded salt ponds into lush habitat by breaching levees, regrading soils, and planting native vegetation. Just days after the completion of the project, tens of thousands of birds descended on the newly-restored habitat to rest, roost, and feed. Not only did this project restore a “Globally Important Bird Area,” as designated by the American Bird Conservancy, but it also created 130 jobs and generated \$13.4 million for the local economy.

At recent funding levels of approximately \$13.3 million, the Coastal Program is able to provide technical assistance and support to partners, but can only provide limited project dollars. A modest increase over the President’s budget request would help the Coastal Program increase their capacity to leverage willing and interested partners to deliver highly-effective habitat conservation and restoration programs that prevent federal listing of species, promote species recovery, enhance coastal resilience, and boost local economies.

**Restore America’s Estuaries urges your continued support and funding for the USFWS Coastal Program and asks that you provide \$15 million for Fiscal Year 2017.**

#### **USEPA NATIONAL ESTUARY PROGRAM**

The National Estuary Program (NEP) is a **non-regulatory** network of voluntary community-based programs that safeguards the health of important coastal ecosystems across the country. The program utilizes a consensus-building process to identify goals, objectives, and actions that reflect local environmental and economic priorities.

Currently there are 28 estuaries located along the Atlantic, Gulf, and Pacific coasts and in Puerto Rico that have been designated as estuaries of national significance. Each NEP focuses its work within a particular place or boundary, called a study area, which includes the estuary and surrounding watershed.

Each National Estuary Program demonstrates real environmental results through on-the-ground habitat restoration and protection. Their efforts reflect local environmental and economic priorities and involve the community as equal partners throughout the decision-making process. Collectively, NEPs have restored and protected more than **1.5 million acres** of land since 2000.

**Restore America’s Estuaries urges your continued support of the National Estuary Program and asks that you provide \$27.2 million for USEPA National Estuary Program / Coastal Waterways.** Within this amount for FY 2017, no less than \$600,000 should be directed to each of the 28 NEPs in the field.

## CONCLUSION

Restore America's Estuaries greatly appreciates the support this Subcommittee has provided in the past for these important programs. These programs effectively accomplish on-the-ground restoration work which results in major benefits:

1. **Economic Growth and Jobs** – Coastal habitat restoration creates between 17 and 33 direct jobs for each million dollars invested, depending on the type of restoration. That is more than twice as many jobs as the oil and gas sector and road construction industries combined. The restored area supports increased tourism and valuable ecosystem services, including flood mitigation, shoreline protection, and enhanced fisheries, among others.
2. **Leveraging Private Funding** – In 2015, federal investment in the USFWS Coastal Program leveraged non-federal dollars at a ratio of 34 to 1. The NEPs leveraged non-federal dollars at a ratio of 15 to 1. In a time of shrinking resources, these are rates of return we cannot afford to ignore.
3. **Resiliency** – Restoring coastal wetlands knocks down storm waves and reduces devastating storm surges before they reach the shore, protecting lives, property, and vital infrastructure for the nearly 40% of Americans that live in coastal communities.

We greatly appreciate you taking our requests into consideration as you move forward in the Fiscal Year 2017 appropriations process. We stand ready to work with you and your staff to ensure the health of our nation's estuaries and coasts.

## Sac and Fox Nation

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Principal Chief KAY RHOADS  
 Second Chief DON W. ABNEY  
 Secretary MARY E. MCCORMICK  
 Treasurer JARED A. KING  
 Committee Member ROBERT E. WILLIAMSON

**WRITTEN TESTIMONY OF THE HONORABLE KAY RHOADS, PRINCIPAL CHIEF  
 SAC AND FOX NATION  
 SUBMITTED TO THE HOUSE APPROPRIATIONS  
 SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
 ON THE FY 2016 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS AND  
 THE INDIAN HEALTH SERVICE**

**March 23, 2016**

Chairman Calvert and esteemed members of the Committee, on behalf of the Sac and Fox Nation I thank you for the opportunity to present our requests for the FY 2017 Budgets for the Bureau of Indian Affairs (BIA), the Indian Health Service (IHS), and for Tribal Environmental Funding. The Sac and Fox Nation is home of Jim Thorpe, one of the most versatile athletes of modern sports who earned Olympic gold medals for the 1912 pentathlon and decathlon.

The Nation supports and appreciates the President's FY2017 budget proposal for an overall increase of 5% for BIA over the FY 2016 enacted level to provide for a total of \$2.9 billion dollars. In turn, the Indian Health Service (IHS) would receive a little more than a 13% increase bringing the Total IHS budget up to \$5.2 billion dollars.

Moreover, It is extremely important to express our support of the President's treatment of Contract Support Costs (CSC) as it relates to Tribal Nations. The President's budget provides for a total of \$278 Million for the BIA and \$800 Million for the IHS to fully fund the contract support costs incurred by government contracts. This is a good step in the right direction and provides a substantial increase of \$87 Million in total over the 2016 appropriations. This increase is critical to meet the demand for the full payment of contract support costs for all of the Nations who are owed a trust responsibility by the United States.

In general, all Tribal programs including BIA and IHS line items should be exempt from any budget recessions and discretionary funding budget reductions. Further, the Nation is extremely concerned about the consequences of the 2013 sequestration and similar future reductions to Tribal program funding. *We strongly urge Congress to*

*fully restore sequestration cuts from FY 2013 since it threatens the trust responsibility and reduces portions of the budget that are not major contributors to the deficit.*

Tribal Specific Requests:

#### **I. NATIONAL REQUESTS – BUREAU OF INDIAN AFFAIRS**

1. **Authorize mandatory funding and fully fund Contract Support Costs (CSC)** - The President's budget request for **contract support costs** is \$278.0 million, providing a dramatic increase from the FY2017 enacted level. This amount is similar to the \$277 million recommended in FY2016 Presidents Budget which was not fully enacted. The second piece of this ongoing budget proposal is to request that strong consideration and support be given to the long term proposal made by the President's Budget which would, beginning in 2018, reclassify contract support costs as mandatory funding separated from the rest of the appropriations. This proposal was also included in the FY2016 proposal but has not yet been approved. We strongly urge you to consider that proposal and approve what has been presented by the President on this particular issue because Contract Support Costs has been a major and ongoing issue for the better part of a decade. It is time to put the issue to rest by providing enough funding and creating the mandatory funding classification.

2. **Public Safety and Justice - Law and Order – Detention/Corrections:**  
**Fully fund all provisions of the Tribal Law and Order Act of 2010 and the Tribal Provisions in the Violence against Women Act Reauthorization**  
The Tribal Law and Order Act of 2010 and the Violence Against Women Act Reauthorization of 2014 were substantial and effective pieces of legislations which changed the face of Tribal Courts, Tribal Justice and Tribal Jurisdiction. The Sac and Fox Nation is proud to have embraced these significant changes to provide a better quality of justice to our jurisdiction. Accordingly, we have enacted the expanded jurisdiction and penalty enhancement provisions into our own laws and started a campaign for awareness to help promote reporting of crimes that may have a serious effect on our Native Women and Children. However, the funding levels for these significant advances have consistently fallen short of the needs. Each year, we have an approximate incarceration budget of \$12,000. This budget is eaten up time and again when a person is convicted because we do not have our own facilities or access to Bureau of Prison Facilities to house the inmates. Instead, we rely on our county facilities who charge us a rate of \$33-\$78 dollars per day to house a prisoner. At these costs, our annual budget is eaten up in a flash. With a lack of funding, we are in

the same position we were before our abilities were expanded because we cannot house those persons we convict. Moreover, in putting the provisions of the Violence Against Women Reauthorization of 2014 in place, we now have serious burdens on the tribal justice programs which were not originally present. We must provide for bar licensed public defenders in any case where a non-indian has come under our jurisdiction. This is both costly and, on occasion, prohibitive to our process because we are not funded enough to have a full time public defender on call whenever there is a need. A serious increase in funding is required in this arena to help ensure that the intent expressed by Congress in enacting these provisions is met. Without an increase in funding, there is no hope of these programs succeeding and taking the burden of these prosecutions off the State or US Attorneys.

3. ***Restore 2013 Sequestered Cuts (\$119 million) to Tribal Program Funding***
4. ***Office of Self-Governance (OSG) – Provide increased funding to the OSG to fully staff the office for the increase in the number of Tribes entering Self-Governance.***

## **II. NATIONAL REQUESTS – INDIAN HEALTH SERVICE**

1. ***Authorize mandatory funding and fully fund Contract Support Costs (CSC) -*** The President's FY2017 Budget proposal fully funds the estimated need for CSC at \$800 million, a significant increase over the levels of funding from FY2016. The estimated increase includes funding for new and expanded contracts and compacts. The Budget also requests that CSC be reclassified to a mandatory appropriation beginning in FY 2018. We at the Sac and Fox Nation strongly urge you to consider allocating all the requested funds in this area and making these appropriations mandatory and separate in the future. Our health and the access of our Native People to health care is a serious and major concern all around Indian Country. It is always prominent for us because we have so many people in rural communities who need greater access to medical care. Fully funding contract support costs and making them mandatory serves to take pressure off Tribal Nations who have a lack of certainty in their medical services when they are not sure if the funding will be there or not. When there is certainty, it allows programs like ours to expand both services and locations to provide better care within reach of our people.
2. ***Restore 2013 Sequestered Cuts (\$220 Million) to Tribal Health Services;***
3. ***+\$377 million over the FY 2016 President's proposal budget for IHS Mandatory Funding (maintain current services and improve access to health care) -***

Mandatories are unavoidable and include medical and general inflation, pay costs, contract support costs, phasing in staff for recently constructed facilities, and population growth. Providing the increase in funding in this area is critical to the provision of preventive care and addressing the growing issues Tribal Nations are having with aging populations and diabetes. We also strongly encourage you to consider and approve this increase to provide Tribal Nations with a level of funding that is necessary to maintain care of the millions of members who come to our clinics. It is critical to remember that we care for the medical needs of these patients from start to finish. Their Vision, Dental and Medical Services are seen to with our funds. If they need a specialist or surgery for a critical issues, we contract out those services and make sure that they are getting what they need and have a continuity of care that will give them certainty and improve their quality of life. Funding is critical to meet all the demands in this area;

4. **Restore \$6 million to the Office of Tribal Self-Governance (OTSG) to fulfill legal requirements under Title V of P.L. 106-260 which increased the responsibilities of OTSG.**

### III. **NATIONAL REQUEST – ENVIRONMENT ISSUES**

1. **Tribal General Assistance Program (GAP).** The Presidents FY2017 Budget provides for the much needed increase in the GAP Funding. It sets the level of funding for this program at \$96.4 million from the EPA which is a dramatic increase of \$31 million over the FY2016 funding levels. , the EPA has decided to enforce a new interpretation of the General Assistance Program (GAP) which prohibits Tribal Nations from using any GAP money from being used for labor, handling, sorting, weighting and transportation of waste and recyclables. This means that the Tribal Nations recycling programs are in jeopardy because there will no longer be funds to carry out these functions. These programs benefit the Tribal Complexes but also provide for drop off points for members and the community along with special community outreach events dealing with e waste and other recyclables. Specifically, we would like to ask for a reversal of this interpretation or a line item dedicated to funding recycling departments work to allow these programs to continue. \$10,000 would be sufficient.
2. **Funding for Tribal Capacity to Regulate by Building Sanitation Facilities.** The President's FY2017 Budget Proposal provides that \$103 Million dollars be allocated, through the EPA, to assist Tribal Nations in building out their capacity and infrastructure for health and environmental regulation. This money is

currently being proposed for the construction of Sanitation Facilities. I bring this up on behalf of the Sac and Fox Nation because we are one of the tribes that may be directly affected by this funding. It is desperately needed. Currently the SFN is not able to receive a large amount of funding because there are not houses located on or around our complex. The reason that homes have not been located here is the toxic water which was polluted by oil companies. Our land was used for years by oil companies, like Tenneco, in an unsafe manner. Their leakage of chemicals in the ground water made it highly toxic. A state that is unlikely to be naturally cleared up for another 100 years. Because of that, our entire complex has to run from water pumps on other pieces of property which get transmitted to a water tower. Should our pumps go down for any reason, our complex would be completely without water. Moreover, In order to build homes on our land, we need to have a Waste Water Treatment plan that could service our community. However, the SFN is subject the "midnight rider" restrictions which force us to go through the state system and allows the state to monitor all of our environmental issues. We would like to ask for action on that midnight rider which is a direct attack on our sovereignty and for funding to make this treatment plants construction, operation and training possible.

3. **Allowing Tribal Nations to Compact with the EPA Under ISDEAA Title VI.** Similar to the new legislation allowing tribal nations to compact and directly receive funds for transportation, we need to be able to compact for the EPA programs and funding with an appropriate compact that would allow us the flexibility to put the monies allocated on environmental issues to the best use in our areas without interference from the states or the federal bureaucracies.

**IV. TRIBAL SPECIFIC REQUEST - \$4.95 Million to Fully Fund Operations of the Sac and Fox Nation Juvenile Detention Center (SFNJDC) - Bureau of Indian Affairs – Public Safety and Justice - Office of Justice Services – Detention/Corrections Account**

In 1996, the Sac and Fox Nation Juvenile Detention Center (SFNJDC) opened its doors as the first regional juvenile facility specifically designed for American Indians/Alaska Natives, as well as the first juvenile facility developed under P.L. 100-472, the Self-Governance Demonstration Project Act.

At that time, the Bureau of Indian Affairs made a commitment to fully fund the SFNJDC operations; however this commitment was never fulfilled. Even though the Nation continues to receive and use Federal dollars to address the issue of juvenile delinquency and detention for Tribes in the Southern Plains Region and Eastern

Oklahoma Region, it has never received sufficient funds to operate the facility at its fullest potential.

Full funding would allow the Nation to provide full operations including (but not limited to):

- Juvenile detention services to the 46 Tribes in Oklahoma, Kansas and Texas;
- Rescue more of our at-risk youth and unserved youth in need of a facility like the SFNJDC;
- Re-establish programs we have lost due to inadequate funding such as: On-site Mental Health Counseling; Transitional Living, Vocational Training, Horticulture, Life Skills, Arts and Crafts, Cultural Education and Activities, Spiritual Growth and Learning;
- Offer job opportunities in an area that is economically depressed; and,
- Fully staff and expand staff training to address high volume of staff turnover which will allow for continuity in operations and service delivery.

At the FY 2016 Regional Budget Formulation Session, these Tribes continue to support and endorse full funding for operation of the SFNJDC and included it as a priority in their "Top 10 Budget Increases" for the FY 2016 BIA Budget.

The current funding level represents only approximately 10% of what is needed to fully fund the Juvenile Detention Center operations and maintenance. Additional funding in the amount of \$4.95 million, over what Sac and Fox already receives in base funding (\$508,000), would fully fund the facility at a level to address the need of juvenile delinquency in the tristate area and create opportunities for employment for more Tribal members.

The SFNJDC is a 50,000+ square foot, full service, 24 hour, 60 bed (expandable to 120 beds) juvenile detention facility that provides basic detention services to all residents utilizing a classification system based on behavioral needs to include special management, medium and minimal security. Our facility was designed to provide programs including behavioral management, alcohol and substance abuse, spiritual and cultural growth and learning, self-esteem, arts and crafts, health and fitness, horticulture, nutrition, life skills, vocational technical training, counseling, educational programs and a Transitional Living Center.

Through a partnership with the local High School, students are afforded an education at the public school level, including a graduation ceremony and issuance of a certificate upon successfully achieving the state requirements. Additionally, the Sac and Fox Nation has an on-site Justice Center providing Law Enforcement and Tribal Court services and the Nation also operates an on-site health clinic which provides outstanding medical services that include contract service capabilities for optometry, dental and other health-related services.

The lack of adequate funding from the BIA and decreases in base funding have mushroomed into underutilization and erosion of the programs our facility was built to offer. Our current funding levels only allow us to provide an alcohol and substance abuse program, some health and fitness activities and a basic education program. We have lost our programs for vocational training, horticulture, life skills, arts and crafts, on-site counseling and transitional living. The passage of the 2010 Tribal Law and Order Act was applauded by the Sac and Fox Nation because we saw this as an opportunity for the Federal government to finally step up to its pledge to fully-fund the SFNJDC and honor its Treaty and Trust obligations to our people. However, the lack of funding is also impeding the implementation of TLOA!

In 1996, the SFNJDC was built as a model facility in Indian Country. And nearly 20 years later there is still a need for such a facility to help our youth return to their traditional healing and spiritual ways. As a Self-Governance Tribe we operate our Tribal government on the premise that we are the best provider of the services and know which services are most needed in our communities. We saw the increasing need in the 1990's for a facility like the SFNJDC and we acted on our instincts to help our youth by giving them a place to turn their lives around and the access to programs, services and holistic care they needed to recover and heal. Sadly, the number of Native American youth, and juveniles overall requiring detention has not decreased. The Sac and Fox Nation Juvenile Detention Center was built with the same intentions as the Tribal Law and Order Act Long Term Plan to Build and Enhance Tribal Justice Systems today. The SFNJDC has the facility, staffing, ability, commitment and capacity to provide superior detention and rehabilitation services to Native American youth, as well as any youth in the tristate area in need of our services. We do not understand the Federal government's desire to fund the construction of more detention facilities while our beds remain empty.

Thank you for allowing me to submit these requests on these FY 2017 Budgets.



## **SOCIETY FOR AMERICAN ARCHAEOLOGY**

### **Testimony of the Society for American Archaeology Before the House Appropriations Committee Subcommittee on the Interior, Environment, and Related Agencies**

**March 23, 2016**

The Society for American Archaeology (SAA) appreciates this opportunity to submit testimony to the subcommittee concerning appropriations for cultural resources programs in FY2017, and would like to again thank the panel for its ongoing support of the research, interpretation, and protection of American's archaeological heritage.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

### **NATIONAL PARK SERVICE—Park Base Operations, Cultural Resource Stewardship**

NPS cultural resource stewardship activities within Base Operations provide the research, training, and management activities necessary to preserve and protect some of the nation's most important archaeological, historic, and cultural resources, both on site and in museum collections. We must reiterate, however, that the challenges facing NPS in maintaining the integrity of these resources, however, are growing due to the long-term structural decline in NPS cultural resources staffing and funding. Attrition from an aging workforce has led to an increasing number of vacant positions that are not being filled. In addition, funding levels for archaeological activities in many parks and regional centers have not seen a base increase in years. The archaeology program is simply being hollowed out. Given this situation, we fear that the NPS will be increasingly unable to deal with the new threats that our cultural resources will face in the years ahead. The impacts on sites and materials from climate change are just one example. With each passing year that we delay in addressing these problems, our heritage suffers and the costs to remediating those effects increase, if they can be remediated at all.

The administration has proposed \$106 million for the program in FY2017, an increase of \$2.7 million over FY2016 enacted. Of the increase, \$2 million would be allocated to expand the Vanishing Treasures program, as part of the Cultural Resources Challenge. While SAA strongly supports Vanishing Treasures, we are compelled to point out that without adequate staffing and funding for the cultural resources program in general, any incremental gains in heritage protection will prove unsustainable over the long term. SAA thus respectfully requests a total increase of \$7.7 million for the Cultural Resource Stewardship component in FY2017, with \$5 million dedicated toward addressing the staffing and base funding issues discussed above.

## **NATIONAL PARK SERVICE—National Recreation and Preservation National Register Programs**

NPS National Register Programs are vital for the technical assistance and other support they provide for resource protection within parks, to other federal agencies, and to state, tribal, and private sector stakeholders. These programs assist communities in preserving their significant historical and archaeological properties. The archaeological component works to identify, document, and inventory archaeological resources in parks; produces archaeological technical and programmatic publications; implements regulations for protecting archaeological resources; and assists other agencies through program development and training.

As with the Cultural Resources Stewardship function, our primary concern for the National Register Programs (NRP) is that they have seen mostly flat funding for a number of years. The resulting erosion of spending power makes it increasingly difficult for these offices to protect historic resources in the national parks and elsewhere. Staffing is a major problem in this function as well, often due to open positions going unfilled. While we support the President's request of \$17.83 million for the NRP, including an increase of \$903,000 (as part of the Cultural Resources Challenge) to preserve and digitize the records of the National Register of Historic Places, the NRP need a larger down payment in order to begin to reverse years of decline. SAA supports an appropriation of \$20 million for the NRP.

## **NATIONAL PARK SERVICE—NAGPRA Grants Program**

The NAGPRA Grants Program serves a crucial purpose. The funding it provides is often the only resource available to Indian tribes, Native Hawaiian organizations, and museums to facilitate repatriation of culturally affiliated human remains, funerary objects, sacred objects, and objects of cultural patrimony under the NAGPRA statute.

Funding for the Grants Program has consistently fallen well short of demand. As detailed in numerous reports by the National NAGPRA Program and NAGPRA Review Committee to Congress, the total number of grant proposals received by the program has always well exceeded allotted resources. If grant funding—which has fallen in real dollar terms over the past several years—is not increased, the collaboration and consultation between tribes, museums and scientific groups that the statute has helped foster on this important and sensitive matter will falter. This is why we must again state that the President's proposed \$1.67 million for the program is simply inadequate. SAA urges that the National NAGPRA Grants Program receive \$2 million for FY2017, in order to provide the assistance needed to carry out the applicable portions of the law.

## **HISTORIC PRESERVATION FUND**

The Historic Preservation Fund provides crucial support to state and tribal historic preservation offices and matching grants to states to catalog and preserve their historic resources. Without the HPF, the preservation system established by the National Historic Preservation Act—particularly with regards to its Section 106 review process—simply would not function. In spite of this, appropriations have seldom equaled the Fund's authorized level. Though the President's request for the HPF in FY2017 contains a substantial increase, most of it would go toward expanding the competitive grants program for communities to survey and nominate historic properties associated with the Civil Rights Movement to the National Register. Additional funds would be allotted to the Historically-Black Colleges and Universities. Tribal Historic Preservation Officers (THPO) would see an increase of \$2 million (as another part of the

Cultural Resource Challenge), while their counterparts in the states would be held to level funding once again. We strongly support the proposed increases. The fact remains, however, that the proposed funding for both the states and tribes is simply insufficient for them to carry out their historic preservation programs effectively. They must be given adequate support to meet their increasing regulatory workloads.

We are therefore calling for an appropriation of \$60 million for the states and \$15 million for the tribes in FY2017, along with the administration's request of \$3.0 million for Historically-Black Colleges and Universities, and the \$25.5 million for the Civil Rights competitive grants program.

#### **BUREAU OF LAND MANAGEMENT—Cultural Resources Management**

The Bureau of Land Management (BLM) administers the nation's largest public land area. Less than ten percent of the agency's land, however, has been evaluated for archaeological and other heritage resources. BLM cultural heritage staff archaeologists do an outstanding job, yet they face a huge backlog of inventories, stabilization projects, interpretive projects, and collections management projects. Just as important, these personnel are key components of the federal regulatory framework. Without adequate expert staff and appropriate resources, development projects such as pipelines, transmission lines, mines, and solar and wind farms will at best be delayed, and at worst be subject to litigation from stakeholders who believe that cultural resources were inadequately addressed. Given this, SAA strongly supports the President's request of \$17.3 million, an increase of \$1.1 million over FY2016 enacted, to enable the agency to better inventory, protect, and stabilize sensitive sites from the negative effects brought about by natural events and illicit human activity.

#### **US FOREST SERVICE—Heritage Resources**

The President's budget calls for \$28.5 million for FY2017 for the Heritage Resources program, a reduction of \$196,000 from FY2016 enacted. The mission of USFS Heritage Resources is to provide stewardship and preservation of the cultural resources located within and upon Forest Service land. It does this through both direct management and key investments in public-private partnerships such as the Passport in Time program. This is an exemplary program that has consistently exceeded expectations, so the administration's proposed reduction doesn't make sense. In order to enable the program to continue to produce good outcomes, SAA urges the subcommittee to reject the proposed cut.

#### **US FISH AND WILDLIFE SERVICE—Cultural and Historic Resources**

The cultural and historic resources program is part of the US Fish and Wildlife Service's (USFWS) Refuge Visitor Services function. The President's request for Visitor Services in FY2016 is \$80.38 million, an increase of \$7 million from FY2016 enacted. Nearly all of the increase will go, once again, toward the Urban Wildlife Conservation program. The cultural resources (CR) program protects numerous culturally significant locations on USFWS land, including many places listed on the National Register. There are thousands of known archaeological sites under the agency's care, with many more remaining to be discovered. It also maintains a collection of millions of objects and artifacts housed in both federal and non-federal repositories.

As we noted last year, the cultural resources professionals at the Service are very hard-working, dedicated, creative, and good at their jobs. The problem is that there are far too few of them, and they

have inadequate resources to work with, in order to effectively carry out their mission. This has resulted in severe strains when it comes to agency compliance in many parts of the country. The effects of this strain are predictable. Too often the USFWS, in an effort to minimize its CR costs and personnel time, does its best to avoid its mandated role under the NHPA and other preservation statutes, especially in cases where there has been damage to protected sites and artifacts. For example, at the Eager Pond construction project in Amity Pueblo, Arizona, funded in part by the agency, extensive harm was done to cultural features, including human burials. Under Section 106 of the NHPA, the Service is responsible for mitigating this damage. Although a final agreement on damage mitigation is expected shortly, it has taken years to get to this point. We suspect the great reluctance on the part of the USFWS to accept its legal responsibility is because it does not have the personnel or money needed to resolve the situation.

USFWS needs more cultural resources professionals. In order to start bringing the staffing and program funding levels up to par, we strongly urge the subcommittee to allocate a total of \$82.38 million to Visitor Services, an increase of \$9 million from FY2016 enacted, with \$2 million of the new monies assigned to the Cultural and Historic Resources program for new staff and Section 106 mitigation work.

Thank you for your time and consideration.

**Fiscal Year 2017 House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
Written Testimony of Clark W. Seely, CF  
President, Society of American Foresters  
March 23, 2016**

The Society of American Foresters (SAF), with 12,000 professionals representing all disciplines in the forestry profession, promotes science-based, sustainable management and stewardship of the nation's public and private forests. SAF appreciates this opportunity to submit written public testimony on Fiscal Year (FY) 2017 appropriations because sufficient funding for the USDA Forest Service (USFS) and the Department of Interior (DOI) is vital to conserving and improving the health and productivity of our nation's forests.

The American public relies on the 751 million acres of public and private forests in the United States to provide clean and abundant air and water, forest products, fish and wildlife habitat, recreational opportunities, forage and range resources, energy, and scenic beauty. Managing these legacy resources for multiple uses and important ecosystem services is increasingly difficult with the unprecedented threats posed by wildfire, drought, insects, disease, and invasive species. Maintaining a balance demands that land managers and partner organizations work together to identify innovative ways to maximize values and improve the health of our forests.

SAF's priorities in the FY 2017 budget process impact a range of programs within USFS and DOI. Recognizing fiscal constraints, these requests will assist forest managers in sustaining our nation's forests and providing a multitude of benefits for generations to come.

**SAF Top Priorities:**

1. Adopt a long-term solution to wildfire suppression funding that: 1) allows access to disaster funding; 2) minimizes budget transfers; and 3) addresses the compounding erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.
2. Increase funding levels for USFS Forest and Rangeland Research to no less than \$303 million, with no less than \$83 million for the Forest Inventory and Analysis Program.
3. Support Bureau of Land Management Public Domain Forestry and Oregon & California Railroad Grant Lands funding levels at no less than \$10 million and \$113.7 million, respectively.

SAF is the premier national scientific and educational organization representing forestry and related natural resources professionals in the United States. Founded in 1900 by Gifford Pinchot, SAF is the largest professional society for foresters in the world. Our members include public and private sector natural resource professionals, researchers, CEOs, administrators, educators, and students. Just as forests are fundamental to our nation, so too are the professionals who study, manage, and protect these precious resources. SAF is eager to work with Congress, federal agencies, and partners to identify reasonable solutions to increase the pace and scale of

management on federal lands, find new ways to work with private landowners, keep forests as forests, incentivize active management, and deliver practical innovations to meet future challenges and market demands.

SAF is pleased with the Administration's continued commitment to increasing the pace and scale of management on federal lands with a USFS harvest target of 3.2 billion board feet for FY 2017. However, with up to 82 million acres in the National Forest System (NFS) still in need of restoration, SAF urges this subcommittee to encourage the agency to use all available tools to implement more projects on federal lands. USFS can work with rural communities, partners, and industry through collaboratives and other partnerships to meet management goals outlined in forest plans and possibly exceed expectations. New authorizations in the 2014 Farm Bill have the potential to facilitate quicker responses to areas devastated by insects and disease, expand the use of Stewardship Contracting, and take advantage of Good Neighbor Authority and other mechanisms that work across boundaries to achieve shared objectives. In addition, increased investments in NFS Forest Products, Capital Improvement and Maintenance, and the Collaborative Forest Landscape Restoration Program could also help to restore more watersheds and support thriving local communities.

Likewise, SAF encourages this subcommittee to recognize the importance of USFS State and Private Forestry (S&PF) programs. The Urban and Community Forestry, Forest Stewardship, Forest Health Management, and Landscape Scale Restoration programs provide important technical and financial assistance to private landowners and the resource managers responsible for managing more than 60 percent of America's forests. Investments in these programs are leveraged by landowners and local organizations, and help to build healthy and thriving forest resources that benefit all citizens and communities across the nation.

#### **SAF Budget Recommendations**

While wildfires predominantly threaten western landscapes and communities, the financial impacts weigh heavily on our whole nation. All agencies and programs funded through the Interior Appropriations Bill suffer as wildfire suppression costs continue to rise under the current funding model. The rolling ten-year average has not met annual suppression cost needs since before FY 2002, and the resulting shortfalls—both anticipated and actual—significantly disrupt important forest management projects across the country. We are thankful to the subcommittee for full transfer repayment and increased suppression funding in FY 2016. However, agencies and first responders need a long-term solution that results in stable and predictable budgets. ***SAF appreciates the subcommittee's strong support of bipartisan solutions like the Wildfire Disaster Funding Act and other related efforts. Accordingly, we respectfully request a solution that: 1) allows access to disaster funding; 2) minimizes transfers; and 3) addresses the compounding erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.***

A comprehensive approach to averting wildfire threats and improving forest resilience is imperative. The Hazardous Fuels and Fire Risk Management line items in the USFS and DOI budgets are integral to restoring forest health and reducing the costs of wildfire suppression.

Through restoring and maintaining fire-resilient landscapes and communities, these programs support the goals of the National Cohesive Wildland Fire Management Strategy. SAF appreciates this subcommittee's consistent support for wildfire management and encourages it to allocate funds to address wildfire risks inside and outside the wildland urban interface. While fuels treatments in and around communities and infrastructure are important for the protection of life and property, recent research suggests that backcountry treatments are equally important to prevent large and destructive wildfires<sup>1</sup>. In addition to preventing and mitigating wildfire risks, these programs serve as an important source of jobs, especially in rural communities, and expand markets for the use of biomass residuals as renewable energy through efforts like the USFS Woody Innovations Grant Program. ***SAF supports funding the USFS Hazardous Fuels Program at \$479 million and DOI Hazardous Fuels and Resilient Landscapes at \$178 million. We also ask that the subcommittee include report language encouraging federal agencies to coordinate their fuels plans with other planning efforts such as state forestry and conservation plans to facilitate cross-boundary activities and increase the effectiveness of this program.***

Investments in forestry research are essential for the future health and sustainability of the nation's forests. Although this testimony focuses on USFS Forest and Rangeland Research programs, SAF also recognizes and supports the full array of forestry research efforts led by the Bureau of Land Management, US Fish and Wildlife Service, US Geologic Survey, and others including land-grant institutions and other universities. USFS Research and Development (USFS R&D) research conducted at the five USFS research stations, the International Institute of Tropical Forestry, and in the Forest Products Laboratory is undeniably important—functioning as an incubator for new products and ideas; exploring forest ecosystem disturbance response and forest resilience; responding to shifting social demands and demographic changes; quantifying the contributions of forests to air and water quality; and driving practical innovation. In many cases without USFS leadership, investigation of these critical research needs would be left unfulfilled. Having clear and relevant research can also help build consensus on management actions, which allows for more efficient allocation of resources to on-the-ground work if debates over scientific uncertainties and litigation of proposed actions can be avoided.

If forest research capacity in the US continues to decline, SAF is concerned that forest managers will not be properly equipped to meet tomorrow's challenges with current science and technical information. Continuing the trend of reductions in the USFS R&D budget will result in significant gaps in knowledge and mismanagement of resources at a time of unprecedented threats posed by wildfire, drought, insects, disease, and invasive species. ***SAF supports a funding level of \$303 million for USFS R&D, with particular emphasis on prioritization of research projects uniquely suited to R&D expertise furthering agency and partner objectives.***

SAF strongly supports the funding increase suggested for the USFS R&D Forest Inventory and Analysis (FIA) program. FIA is the backbone of US forestry—providing the only national census of forests across all ownerships. Through FIA, USFS (partnering with state forestry agencies,

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<sup>1</sup> "The Efficacy of Fuels Treatments: A Rapid Assessment of the Economic and Ecological Consequences of Alternative Hazardous Fuel Treatments", Northern Arizona University Ecological Restoration Institute, May 2013.

universities, and the private sector) collects and analyzes forest data to assess trends on issues such as forest health and management, fragmentation and parcelization, and forest carbon sequestration. The data and information collected by FIA serves as the basis for: identifying trends in forest ownership; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risk; predicting the spread of invasive species; determining capital investment in existing forest products facilities and selecting locations for new forest product facilities; and identifying and responding to priorities identified in State Forest Action Plans. The critical need for current information about the condition of our forests, with greater emphasis on the role of forests in maintaining and improving air quality, underlies the need for FIA program capacity to be increased in FY 2017 and beyond. ***SAF requests additional investment in FIA with a funding level of at least \$83 million and urges the subcommittee to ensure that this increase not come at the expense of other research programs, and provide direction for future increases to allow the program to keep pace with ever-growing and diverse information needs.***

SAF is concerned with the Administration's restructuring of the Joint Fire Science Program (JFSP). As proposed, the JFSP would no longer receive \$6.9 million in funding from the Wildland Fire Management budget line item, and would instead receive \$3 million in support from the USFS R&D Inventory and Monitoring line item. This shift results in a significant decrease of 3.9 million in program funding. The proposed cuts would negatively impact the research done in collaboration with over 200 federal agency, university, and nongovernmental partners. Diverting funds from the already constrained USFS R&D budget will reduce JFSP effectiveness, limit cross-deputy area interaction, and hinder exploration of fire research questions important to the USDA, DOI, and partner organizations. ***SAF urges the subcommittee to restore the JFSP funding level to \$6.9 million under Wildland Fire Management.***

In closing, SAF is encouraged by the recognition of the important work of the BLM Public Domain Forestry (PD) program with a funding increase in the President's budget and extension of the Forest Ecosystem Health and Recovery Fund authorization through 2020 in the 2015 Omnibus Appropriations Bill. However, SAF is concerned with the proposed funding reduction for the Oregon & California Railroad Grant Lands (O&C). Though the resource-intensive management plans for the O&C will be released soon, SAF encourages this subcommittee to appropriate robust funding to support efficient and effective plan implementation and monitoring, and help the agency address the administrative and legal challenges that almost always accompany new management plans. ***SAF supports the funding level of \$10 million for the PD program and \$113.7 million for the O&C program. We also urge this subcommittee to extend authorization of the Forest Ecosystem Health and Recovery Fund beyond 2020.***

Thank you for your consideration of these important requests. SAF and its extensive network of forestry and natural resources professionals stand ready to assist with further development and implementation of these efforts and ideas.

**TESTIMONY OF  
THE STANDING ROCK SIOUX TRIBE  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
CONCERNING THE PRESIDENT'S 2017 BUDGET FOR BIA, BIE AND IHS  
March 18, 2017**

On behalf of the Standing Rock Sioux Tribe, I submit this testimony concerning the President's FY 2017 budget for the Indian programs within the Department of the Interior and the Indian Health Service. I would like to express our appreciation to this Committee for its support of Indian tribes and to focus my remarks on public safety, education, housing, health care, and infrastructure.

The Standing Rock Sioux Tribe has a government to government relationship with the United States of America, reflected in our Treaties which were signed in 1851 and 1868. These Treaties underscore the ongoing promises and obligations of the United States to the Tribe, and our testimony today is submitted with those promises and obligations in mind.

The Standing Rock Sioux Reservation encompasses 2.3 million acres in North and South Dakota. The Reservation's population – approximately 8,500 Tribal members and 2,000 non-members – reside in eight districts, and in smaller communities. The Tribe's primary industries are cattle ranching and farming. The Tribe struggles to provide essential governmental services to our members. The Tribe's desire is to provide jobs and improve the economic standard of living on our Reservation. We operate two modest Tribal casinos, and a small number of additional Tribal businesses, including Standing Rock Propane and Standing Rock Telecommunications, which provide needed services on the Reservation. Casino revenue is used to help the Tribe supplement services and programs for our members, but those revenues are modest and our challenges and needs are far greater than our resources. Despite the Tribe's best efforts, our unemployment rate remains above 50%. In fact, over 40% of Indian families on our Reservation live in poverty – more than triple the average US poverty rate. The disparity is worse for children, as 52% of the Reservation population under age 18 lives below poverty, compared to 16% and 19% in North and South Dakota, respectively. The federal programs established and promised by treaty to aid tribes and their members are essential. We ask the government to honor its commitments by adequately funding these federal programs enacted for our benefit, so that our members may enjoy a standard of living comparable to that enjoyed by the rest of the Nation. Our specific requests are as follows:

**BIA - Public Safety and Justice.** Public safety is a priority for the Tribe. We strongly disagree with the President's proposal to decrease funding for Public Safety and Justice by \$4 million below the 2016 enacted level, and urge the Committee instead to support an increase by at least that amount. A decrease in funding contradicts Interior's promises to make our homelands safer. Funding is also essential for law enforcement equipment and facilities maintenance.

**Youth Corrections:** In December 2010, the Tribe successfully completed construction of a secure 18-bed juvenile detention facility so that Tribal youth offenders may remain on the Reservation and receive culturally appropriate services if they must be incarcerated. For reasons beyond the Tribe's control, the facility has not been used for the past five years. This endeavor by the Tribe is named the Youth Services Center, however, only the secure portion of the plan was completed due to inadequate funds to truly provide for all youth services as the name suggests. The Tribe contributed \$2 million of Tribal funds to supplement \$5 million in Justice

Department funds to build this facility. Over time this Tribally-owned facility will save the BIA a great deal of money that now pays other contract facilities to house our youth offenders. Unfortunately, while the BIA, in January 2011 and many times thereafter, advised the Tribe that the facility was to be among those BIA-operated facilities, it is still not open despite the BIA receiving staff funding as well as operations and maintenance funding. BIA was unable to provide staffing to open the facility in a timely manner when it was completed in 2010 and as a result, problems within the idle building have surfaced and have already cost the Tribe additional dollars in repairs. Although the Tribe is currently working with the BIA to address those matters remaining in the facility, the building remains unoccupied and our youth are still being taken hundreds of miles to any facility that has space for them. Additional construction dollars to add on to the Youth Services Center are vital to providing services to all troubled youth, not just those who have committed crimes.

**Adult Corrections:** BIA OJS operates an antiquated 48 bed adult detention center for male and female inmates in Fort Yates on our Reservation. The detention center is a linear style facility which, because of its design, is very staff intensive. The jail was built in the 1960's and has long outlived its utility. Renovated in the 1980's and again in the 1990's, the jail fails to comply with most contemporary detention standards. The jail population is frequently two to three times over the rated bed capacity. To alleviate jail crowding BIA OJS contracts bed space for long term adult inmates in a facility that is a 772 mile round trip. Our Tribal Court is forced to release prisoners early to alleviate jail crowding just to make room for more prisoners. This sends the wrong message to criminals.

**Law Enforcement:** The Tribe has seen firsthand that adequate law enforcement funding was key to reducing crime. Several years ago, the Standing Rock Sioux Tribe was selected to participate in the High Priority Program Goals initiative, which increased law enforcement positions on our Reservation and this had a significant positive impact in reducing crime. Increased numbers of police officers allowed pro active policing rather than reactive policing. This initiative enabled officers to be assigned within each Reservation community, which meant quicker response time to calls and more positive relationships between law enforcement officers and the communities they served. The increased law enforcement presence and patrols has deterred crime and resulted in our members feeling safer. The data confirms this. When compared to the number of violent crimes (homicide, rape, robbery, assault) that occurred between 2007 and 2009, the additional staffing reduced such crimes by approximately: 7% in 2010, 11% in 2011, and 15-19% in 2012. These initiatives demonstrate the critical importance of adequate law enforcement staffing. But HPPG ended after FY 2013 and the Tribe's law enforcement personnel has therefore been reduced from the numbers that served us well. We strongly support an increase in funding for law enforcement personnel. It makes no sense that these programs would not be funded in perpetuity since they have been demonstrated to work to reduce crime.

**Tribal Courts:** We support an increase to the modest funding appropriated for the Tribal Courts Program. The Standing Rock Tribal Court is an independent branch of government consisting of a Supreme Court, Civil Court, Criminal Court, and Children's Court. Key positions in the Tribal Court require licensed attorneys - the Chief Judge; Associate Chief Judge; Chief Prosecutor; and Public Defender. The Supreme Court consists of three Justices, two of whom must be a licensed attorney. Our Tribe cannot effectively support these courts with our small BIA allocation, even when heavily subsidized by the Tribe. And yet in order to use our Tribe's authorities provided under the Violence Against Women Act of 2013, Sex Offender Registration

and Offender Act, and the Tribal Law and Order Act, we must continue to meet appropriate standards. Our Tribal courts are also crowded, even when spread across three separate buildings. The main courthouse outgrew its ability to meet our needs years ago and the lack of space severely limits our ability to adequately handle the Tribal Court case load of 2,000 to 3,000 cases per year. Funding is critical to providing a safe and secure center to house justice programs.

**Bureau of Indian Education (BIE).** We support an increase to FY 2017 funding for BIE programs. Standing Rock relies on BIE funding for three Tribal grant schools – the Standing Rock Community School (K-12), Sitting Bull School (K-8), and Rock Creek School (K-8). The Standing Rock Community School is operated through a Joint Powers Agreement between the Standing Rock Tribal Grant School and the Fort Yates Public School District. The Fort Yates Public School District, like other public schools on the Reservation (Cannonball, Selfridge, McLaughlin, McIntosh, and Wakpala), depends on federal impact aid to cover the costs of the public school's share of the school operations. The children in the schools on the Reservation are among the most at-risk students in the Nation. At seven out of eight Public and Tribal Grant Schools on our Reservation, 100% of the students are eligible for the Free or Reduced Lunch Program. At the remaining school, 90% of students are eligible for the Free or Reduced Lunch Program. The high rate of our student eligibility for the Free or Reduced Lunch Program documents that the majority of our families live at or below poverty level.

A critical source of funds for the operation of our Tribal grant schools are the Indian School Equalization Program (ISEP) Formula funds. The funds cover the costs of the schools' instructional programs, including salaries for teachers, teacher aides, school administrative staff and other operational costs. ISEP has not seen any meaningful increase in years, and as a result, there has been a significant negative impact on the effectiveness of the schools' instructional programs. Academic programs are marginal providing limited and restricted services to the students. It has become more difficult to attract and retain qualified staff. Despite the clear need, the Administration proposes to cut ISEP funding by \$16.4 million, apparently to offset the cost of a new pilot program. We do not object to a new pilot program, but it should not be created at the expense of existing needs. If the schools serving Indian children are to be effective and if our students are to succeed and be college and career ready, ISEP funding must be increased.

The Administration's near flat line funding for virtually all aspects of BIE programs does not account for population growth, increased costs, or inflation. Student Transportation funding, intended to cover the costs of buses, fuel, maintenance, vehicle replacements, and drivers, has stayed at the same level for years. The substantial increases in fuel costs alone make it impossible to cover these costs. For Standing Rock, funds are further strained because we are a rural community, where bus runs for many of our students may take 1½ to 2 hours each way and can include travel on unimproved roads. These factors result in higher maintenance costs and shorter vehicle life. A substantial increase in funds for Student Transportation is long overdue.

The same is true for School Facility Operations and Maintenance which is drastically under-funded. In fact, O&M budgets are currently constrained at 40 percent of need. This also holds true for School Improvement and Repair. We urge this Committee to strongly support an increase, not only for Facility Operations and Maintenance and School Improvement and Repair, but for School Construction as well. Indeed, one of our Tribal grant schools, the Rock Creek School, is more than 100 years old and badly needs to be replaced. Federal funds to replace ancient schools – like Rock Creek – are essential. Funding for School Facility Operations and Maintenance and School Improvement and Repair, as well as School Construction should be substantially increased. We are also very concerned about the list of new schools which have

been slated to be constructed. Not a single school from the Great Plains made that list. It is clear that the Bureau of Indian Education has discretion to select these schools, and they have used that discretion to effectively shut out schools in our region for the next decade. We would like the committee to better understand how these schools are selected.

We also urge the Committee to support an increase in funding for Scholarships. Because of the unmet need, the Tribe spends \$1 million in Tribal funds annually to supplement this program and gives grants of \$3,000-\$3,500 to aid our students attending colleges and vocational schools. But even with this, the majority of our scholarship recipients have unmet financial need varying from \$100 to \$17,000.

**Indian Health Service.** We support the Administration's FY 2014 requested increase in IHS funding. We depend on IHS to care for our 16,000 enrolled Tribal members, many of whom suffer from diabetes, heart disease and hypertension. We are especially concerned about our region. Although we are not at risk of losing certification under the Center for Medicaid Services, we hope the Indian Health Service can continue to provide quality support and timely processing of the basics such as Human Resources, Budget responses, and Procurement. We also fully support the IHS' efforts to increase funding for behavioral health by \$46 million, especially the youth focused programming.

We recommend that Congress prioritize the IHS preventive health care service programs, such as the diabetes grant program, and increase funding for these programs above the Administration's \$150 million, while supporting and protecting the Administration's other IHS funding priorities, especially funding for health care personnel. In many instances, if additional funding for clinical services and preventive health programs can be made available, illnesses and injuries could be treated at their initial stages, or prevented altogether. This is especially important at Standing Rock, where many of our members' health problems could be addressed if timely preventive care were available. We also support the Administration's request for increases in Dental Health and Purchased/Referred Care (previously known as Contract Health Services), which has been historically underfunded.

**Transportation.** Proper road maintenance on the Reservation is essential for the safety and health of our community, and for promoting economic opportunities. BIA Road Maintenance is responsible for 29,700 miles of BIA owned road and 931 BIA owned bridges. The Administration request of \$27 million only funds 16% of the level of need for BIA road maintenance. For bridges it would fund 62% of the level of need. Thus, 84% of the roads in the BIA systems will continue to be at poor or failing condition and almost 300 of the bridges in the BIA system will be at poor or failing condition. These are roads used by school buses, first responders and police officers. In any other community this would be unacceptable. We urge the Subcommittee to increase funding for the BIA road maintenance program by \$9 million. This level of funding would allow approximately 25% of the roads to be at fair or better condition.

**Tribal Historic Preservation Offices.** We strongly support the \$2 million increase for Tribal Historic Preservation Offices out of the National Park Service. This modest increase will help us to protect historic and culturally significant resources throughout the region. Currently, the program supports all THPOs across the US and has not grown to meet the needs of new tribes establishing offices. We rely heavily on our THPO to protect the cultural heritage of our Nation.

March 22, 2016

The Honorable Ken Calvert  
 Chairman, Appropriations Subcommittee on  
 Interior, Environment, and Related Agencies  
 US House of Representatives  
 Washington, DC 20515

The Honorable Betty McCollum  
 Ranking Member, Appropriations Subcommittee  
 on Interior, Environment, and Related Agencies  
 US House of Representatives  
 Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum,

The undersigned organizations are strong supporters of the Forest Inventory and Analysis (FIA) program funded by the USDA Forest Service (Forest Service). We rely on the inventory data and analysis of America's forests provided by the program, which make up the backbone of scientific knowledge on the current state of the nation's forests. This critical information is needed to support sound policy and forest management decisions, both public and private, and is increasingly important for decisions regarding new and expanding markets. We urge the Congress to support the FIA program and request funding for the program in **FY 2017 of at least \$83 million to move the program toward providing an accurate and timely inventory of America's forests.** We also urge the inclusion of language ensuring that this funding would, at minimum, maintain historic remeasurement cycles – every 7 years in the east and every 10 years in the west – as referenced by the Administration.

The data and information collected by FIA serves as the basis for: identifying trends in forest ownership; measuring carbon stocks; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risk; predicting the spread of invasive species; determining capital investment in existing forest products facilities and selecting locations for new forest product facilities; and identifying and responding to priorities identified in State Forest Action Plans.

The FIA program is utilized by a large set of diverse stakeholders interested in the state of America's forests. These include forest resource managers at mills, land managers, conservation groups, university students and faculty, and State and Federal agencies, such as the US Environmental Protection Agency (EPA).

The undersigned organizations would like to work with Congress to further explore program potential. An annual funding level of \$83 million would support a seven year annualized program in the east, and a 10 year program in the west as recommended in the Forest Service's 2007 FIA Strategic Plan. In 2015 the Forest Service released an updated FIA Strategic Plan, which outlines a variety of potential program deliverables at funding levels. While we are supportive of at least \$83 million in funding for FY17, the 2015 Strategic Plan calls for \$103 million to implement the five year annualized program called for in the 1998 Farm Bill. This reduction in cycle length would provide more accurate data to support important forest resource decisions. As engaged partners, we are interested in working with Congress and the Forest Service to make program delivery as efficient as possible and to support additional federal investment to implement many of the useful tools outlined in the new FIA Strategic Plan – including full urban inventory, increased plot density, and improved carbon and biomass estimates.

There is a need to make FIA data more robust and more useful for emerging uses, such as accurate information regarding carbon stocks, forest sustainability monitoring, wildlife habitat assessments, and much more. Given the increasing pressures facing our forests – from wildfire, insects and disease and development – the FIA program is more important now than ever before. Funding the FIA program at \$83 million for FY17 would move toward providing for our growing data needs.

Sincerely,

Alabama Forestry Association  
 Allegheny Hardwood Utilization Group, Inc.  
 American Forest & Paper Association  
 American Forest Foundation  
 American Forests  
 American Wood Council  
 Arkansas Forestry Association  
 Arkansas Timber Producers Association  
 Black Hills Forest Resource Association  
 California Forestry Association  
 Empire State Forest Products Association  
 Forest Business Network  
 Forest Labor National Management Committee  
 Forest Landowners Association  
 Forest Products Industry National Labor  
 Management Committee  
 Forest Resources Association  
 Hardwood Federation  
 Hardwood Plywood and Veneer Association  
 Kentucky Forest Industries Association  
 Louisiana Forestry Association  
 Maine Forest Products Council  
 Minnesota Forest Industries  
 Minnesota Timber Producers Association  
 Mississippi Forestry Association  
 Montana Wood Products Association  
 National Alliance of Forest Owners  
 National Association of Forest Service Retirees  
 National Association of State Departments of  
 Agriculture  
 National Association of State Foresters  
 National Woodland Owners Association  
 North Carolina Forestry Association  
 Northeastern Loggers' Association  
 Northeastern Lumber Manufacturers  
 Association  
 Ohio Forestry Association  
 Oregon Forest & Industries Council  
 Oregon Women in Timber  
 Pennsylvania Forest Products Association  
 Pulp and Paperworkers' Resource Council

Society for the Protection of New Hampshire  
 Forests  
 Society of American Foresters  
 South Carolina Forestry Association  
 South Carolina Timber Producers Association  
 Sustainable Forestry Initiative  
 Texas Forestry Association  
 Treated Wood Council  
 United Steelworkers  
 Virginia Forest Products Association  
 Virginia Forestry Association  
 Western Wood Preservers Institute  
 Wisconsin Paper Council

The Honorable Ken Calvert  
Chairman  
Appropriations Subcommittee on Interior,  
Environment, and Related Agencies  
US House of Representatives  
Washington, DC 20515

The Honorable Betty McCollum  
Ranking Member  
Appropriations Subcommittee on Interior,  
Environment, and Related Agencies  
US House of Representatives  
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

Investments in forestry research are essential for the future health and sustainability of the nation's forests. The undersigned organizations urge Congress to reverse the trend of decreasing investments in USDA Forest Service Research and Development (R&D) by providing **a \$303 million dollar funding level in FY 2017 with \$220 million directed to Forest and Rangeland Research program areas.**

Researchers work in a range of biological, physical, and social science fields to promote sustainable management of the diverse forests and rangelands nationwide and the innovative use of the products they provide. R&D programs conducted at research stations, the International Institute for Tropical Forestry and the Forest Products Laboratory are undeniably important functioning as an incubator for new products and ideas, exploring forest ecosystem disturbance response, forest resilience, and quantifies the contributions of forests to air and water quality, and drives innovation in renewable energy development. Notable recent R&D research contributions include:

#### **Using Science to Guide Drought Management Response**

A national assessment report on the impacts of drought on U.S. forests and rangelands establishes the scientific foundation needed to manage for drought resiliency and adaptation. This assessment report includes management options to help federal, state, and private organizations implement strategies to sustain healthy, resilient ecosystems that continue to produce vital goods and services, such as pulp and wood products.

#### **Identifying a Promising White-Nose Syndrome Treatment**

Using native soil bacteria to inhibit growth of the White-nose Syndrome causing fungus, Forest Service researchers developed a treatment that resulted in previously sick bats being re-released to their native habitat. This collaborative research effort involving the U.S. Fish and Wildlife Service, Missouri Department of Natural Resources, the Kentucky Department of Conservation, and other important partners benefits forest managers, owners, forest dependent industries; farmers; and the public.

#### **Helping Cities Assign Value to Urban Tree Canopies**

The publication of Community Tree Guides helps managers calculate the value of new tree plantings in terms of future energy savings, carbon sequestration, air pollutant uptake, storm water runoff reduction, and property value increases. Credible information about the benefits of well-managed urban forests is important as cities work to protect and restore environmental quality and enhance economic opportunity.

### **Improving Smoke Management Capabilities**

The Blue Sky Smoke Management Model predicts in real time where and when smoke from wildland fires will go. In 2015, the model and this research was used by fire management agencies to alert affected communities and reduce human health effects.

Advancing forest science is integral to improve the health of US forests, the competitiveness of US products in the global marketplace, and to address current and future challenges. Continuing the trend of reductions in the R&D budget will result in significant gaps in the knowledge base necessary to address the many threats facing our nation's forest and competitive losses in the global economy. ***Therefore, our organizations support a funding level of \$303 million for USFS R&D with particular emphasis on prioritization of research projects uniquely suited to R&D expertise and furthering agency and partner objectives.***

Sincerely,

American Forests

Forest Stewards Guild

National Association of Conservation Districts

National Association of State Foresters

National Association of University Forest Resource Programs

National Wild Turkey Federation

National Woodlands Owners Association

Pinchot Institute for Conservation

Society for Range Management

Society of American Foresters

The Nature Conservancy

The Honorable Ken Calvert  
Chairman  
Appropriations Subcommittee on Interior,  
Environment, and Related Agencies  
US House of Representatives  
Washington, DC 20515

The Honorable Betty McCollum  
Ranking Member  
Appropriations Subcommittee on Interior,  
Environment, and Related Agencies  
US House of Representatives  
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

The President's FY17 budget reflects the difficult budget decisions that the ever increasing costs of wildfires and budget constraints present. Even in this tight budget climate, the undersigned organizations believe that investments in key federal programs to conserve and improve America's forests—rural and urban, private and public— are critically important. These investments create jobs, mitigate pollution and carbon emissions, enhance and protect our drinking water, contribute to healthy, livable communities, and encourage forest product innovation and utilization, helping the nation to foster strong economic growth in rural areas.

The US Forest Service State and Private Forestry Deputy Area (S&PF) serves as a lynchpin for the conservation of America's forests. S&PF supports a broad range of programs in partnerships with state and national forestry and conservation organizations interested in America's forests. Providing this important technical and financial assistance to private landowners and the resource managers responsible for managing more than 60 percent of America's forests helps to increase the pace and scale of landscape scale restoration work, improve the resilience of the nation's forests, and protect communities and the environment from forest pests, invasive species and wildland fires.

FY 2017 funding for the following S&PF programs will help improve the health of the nation's forests and encourage economic growth in a sector that sustains more than one million jobs in the United States. Our funding level requests include:

- **\$29 million for the Forest Stewardship Program:** Administered in cooperation with state forestry agencies, this program plays a fundamental role in keeping forests as forests. Forest Insects, diseases and wild fire know no bounds between federal and non-federal forests. Assisting some of the 22 million private landowners in managing non-federal forests can help minimize the impacts to federal lands saving the federal taxpayer millions of dollars. Almost 90 percent of those who have stewardship plans are actively implementing them to manage for wildlife, clean water, climate mitigation, and forest products.

- **\$100 million for the Forest Health Management Programs – \$52 million Federal Lands and \$48 million Cooperative Lands:** Pests and disease are a national problem affecting private and public lands. The USFS Forest Health Management Program supports efforts to prevent, contain, and eradicate these costly and dangerous pests and pathogens affecting trees and forests.

- **\$31 million for the Urban and Community Forestry Program:** Benefiting more than 220 million people, this program provides assistance to communities managing local, urban, and community forestry resources to keep trees and forests in our communities healthy. These urban forests provide quantifiable energy savings, stormwater impact reduction, and human health benefits in return.

- **\$87 million for State and \$15 million for Volunteer Fire Assistance Programs:** Initial attack is the key to reducing large fire costs and these programs are critical to these suppression efforts. State and volunteer fire crews are deployed to assist on federal fires and other emergency or disaster situations, in compliance with national safety and training standards.

- **\$23.5 million for Landscape Scale Restoration:** S&PF works collaboratively with states and other partners using State Forest Action Plans to target resources to the highest priority forest needs across ownerships to achieve results with meaningful local, regional, and national impacts.

Thank you for your consideration.

Sincerely,

American Forests

American Forest Foundation

National Association of State Foresters

National Association of Conservation Districts

The Pinchot Institute for Conservation

Society of American Foresters

The Nature Conservancy

March 23, 2016

The Honorable Ken Calvert  
United States House of Representatives  
Washington, DC 20515

The Honorable Betty McCollum  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

The undersigned organizations are writing to express our strong support for maintaining effective funding levels in the fiscal year (FY) 2017 appropriations process for essential wildfire risk reduction and protection programs at the USDA Forest Service (Forest Service) and the Department of the Interior (DOI). The important work accomplished through the Hazardous Fuels programs and the State Fire Assistance and Volunteer Fire Assistance programs help decrease total federal emergency wildfire suppression costs and reduce the threat of fire to people, communities, and both public and private lands.

America's forests and forest-dependent communities are at risk from outbreaks of pests and pathogens, persistent drought, and the buildup of hazardous fuels. Urbanization and development patterns are placing more homes and communities near fire-prone landscapes, leading to more destructive and costly wildfires. In 2015, 68,151 wildland fires burned more than 10.1 million acres. Once again in FY 2015, the ten-year average allocated to the USFS was not enough to meet the suppression needs, forcing the USFS to transfer \$700 million from non-suppression accounts to make up for the shortfall. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management, among many other activities. Additionally, the increasing ten-year average has not met annual suppression needs since before FY 2002, which is why we thank the Committee for the full transfer repayment and increased suppression funding in FY 2016. However, we understand this is not expected to occur every year and DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets.

We appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act, which addresses federal fire funding challenges as well as other bipartisan Congressional efforts in this regard. We respectfully request a bipartisan fire funding solution be included as part of the FY 2017 Interior, Environment, and Related Agencies' appropriations bill. A fire funding solution must fund wildfires like natural disasters by 1) accessing disaster funding, 2) minimizing transfers, and 3) dealing with the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

We appreciate this Committee's attention to this increasing and unsustainable natural resource challenge. The FY 2017 appropriations bill can provide for both necessary wildfire suppression and fire risk reduction activities that create jobs and reduce firefighting costs in the long run. We

are prepared to help and look forward to assisting Congress in developing a sustainable and long-term solution to fund emergency wildfire suppression.

The Hazardous Fuels Programs at the Forest Service and DOI are the primary source of funding used to reduce wildfire risk on federal lands. ***In FY 2017, we urge you to provide \$479 million for the Hazardous Fuels Program at the USDA Forest Service and \$178 for Hazardous Fuels and Resilient Landscapes at the Department of the Interior. We are also asking that you include report language to encourage the Federal Agencies to coordinate their fuels plans with other planning efforts such as state forestry and conservation plans in order to encourage cross-boundary efforts and increase the effectiveness of this program.***

	FY 2016 Enacted	FY 2017 President's Proposal	FY 2017 Request
USDA Forest Service Hazardous Fuels	\$375	\$384	\$479
Department of the Interior			
Hazardous Fuels Management	\$164	\$149	\$178
Resilient Landscapes	-	\$30	

State Fire Assistance (SFA) is the fundamental federal mechanism for assisting states and local fire departments in responding to wildland fires and in conducting management activities that mitigate fire risk on non-federal lands. SFA also helps train and equip local first responders who are often first to arrive at a wildland fire incident and who play a crucial role in keeping fires and their costs as small as possible. A small investment of SFA funds supports state forestry agencies in accessing and repurposing equipment from the Federal Excess Personal Property and the Firefighter Property programs. Between 2008 and 2012 these two programs have delivered more than \$150 million annually in equipment for use by state and local first responders.

In FY 2015, SFA directly funded hazardous fuel treatments on 148,020 acres (with another 126,368 acres treated with leveraged funding from partners) and provided assistance to communities around the country, supporting 2,998 risk assessment and fire management planning projects and 10,160 prevention and education programs.<sup>1</sup> Fires know no boundaries. In 2015, 80 percent of the total number of wildfires were where state and local fire departments had primary jurisdiction. Eighty-five percent of all local and state crews and engines dispatched outside of their geographic areas were responding to federal fires. ***In FY 2017, we urge you to provide \$87 million for the State Fire Assistance program.***

The Volunteer Fire Assistance Program provides support to rural communities and is critical to ensuring adequate capacity to respond to wildfires, reducing the risk to communities, people, homes and property, and firefighters. This capacity is critical because these state and local resources are the first responders to more than 80% of wildland fires – whether on state, federal or private lands. According to the Forest Service FY 2017 Budget Justification, the small

<sup>1</sup> USDA Forest Service FY 2017 Budget Justification at pg. 299.

investment in the Volunteer Fire Assistance program helped provide assistance to 9,318 communities, helped to train 22,272 firefighters, expanded or organized 20 fire departments, and purchased, rehabilitated or maintained more than \$8.1 million in equipment. ***In FY 2017, we urge you to provide no less than \$15 million for the Volunteer Fire Assistance Program.***

The Joint Fire Science Program is a relatively small budget for a program that successfully yields important results which are directly applied. These tools and technology products support the fire risk reduction community. They help track the effectiveness of Forest Service programs, such as vegetation management and hazardous fuels reduction. Their applied research supports resilient landscapes and communities, and provides key information on wildfire mitigation impacts on water quality, atmospheric emissions, and other natural resources and ecosystem services. We are concerned about the zeroing out of this program under Wildland Fire Management in exchange for funding a smaller portion from the Forest & Rangeland Research budget. ***In FY 2017, we request the Joint Fire Science Program maintain a \$7 million funding level.***

We appreciate the difficult task the Subcommittee faces in the current budget climate. However, these vital, interrelated programs safeguard human life, habitat, and property, and reduce the overall cost of wildland fire management. The short-term savings realized by cuts to any one of these programs is substantially outweighed by the ultimate increase in suppression costs and damages caused by wildland fires. Accordingly, we urge you to support funding for these critical programs. Thank you for your consideration of this important request.

Sincerely,

American Forests  
 Association of Fish & Wildlife Agencies  
 Framing Our Community Inc.  
 National Association of RV Parks &  
 Campgrounds  
 National Association of State Foresters  
 National Ski Areas Association  
 National Wild Turkey Federation  
 North American Grouse Partnership  
 Public Lands Foundation  
 Quality Deer Management Association  
 Ruffed Grouse Society/American Woodcock  
 Society

Sustainable Northwest  
 The Conservation Fund  
 The Forest Stewards Guild  
 The International Association of Wildland  
 Fire  
 The Mountain Pact  
 The National Wildlife Institute  
 The Nature Conservancy  
 The Society of American Foresters  
 Tread Lightly!  
 Whitetails Unlimited

Cc: Members of the House Interior Appropriations Subcommittee

**Written Testimony of the Sustainable Urban Forest Coalition  
To the House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
March 23, 2016**

The Honorable Ken Calvert  
United States House of Representatives  
Washington, DC 20515

The Honorable Betty McCollum  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Calvert, Ranking Member McCollum, and Honorable Committee Members:

The Sustainable Urban Forests Coalition (SUFC) represents more than 30 national organizations and corporations who care and advocate for sustainable trees and green infrastructure where people live. Collectively, we are asking for your support for several programs under the Interior Subcommittee's jurisdiction that support urban forests and green infrastructure.

Our nation's 138 million acres of urban forests are vital to creating and maintaining healthy, livable communities of all sizes by providing scientifically proven social, economic, and environmental benefits to people living in populated areas. The National Urban and Community Forestry Advisory Council unveiled its Ten-Year Action Plan to advance urban forests nationwide. A key goal of the plan is to improve urban forest management, maintenance and stewardship. Caring for trees and landscapes in cities and towns creates a substantial demand for green-collar jobs in a sector poised for rapid growth. With a projected 90% of Americans living in urbanized areas by 2050, investing in livable communities needs to happen now.

SUFC is conscious and respectful of the federal budget challenges. It is critical that decision makers are aware that the relatively small investment in our funding requests result in a leveraged positive return through matching funds, preventive measures, and community health and welfare benefits.

**USDA Forest Service: State and Private Forestry**

• **Urban and Community Forestry Program (U&CF)**

U&CF plays an integral part in promoting sound stewardship of our nation's urban and community forests and trees. By providing important technical and financial support, U&CF helps cities, suburbs, and towns across the nation enhance tree and forest cover, prepare for storms and other disturbance events, contain threats from native and invasive pests, and maximize the economic, social, and ecological benefits of their tree resources. In FY 2015, U&CF again increased its impact - reaching over 200 million people in over 7,700 communities across all 50 states, the District of Columbia, US Territories, and affiliated Pacific Island Nations. U&CF is a high-impact program and a smart investment as federal support is often leveraged 2:1 (or in many cases significantly more) by states and partner organizations. As a model federal program, U&CF consistently increases communities served, brings together diverse partners and resources, and shows that federal investment can have huge and lasting impacts on communities of all sizes.

SUFC is very concerned with the significant decrease (16%) in the U&CF program in the President's FY 2017 budget. In testimony before the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies, U.S. Forest Service Chief Tidwell attributed the U&CF decrease to the increase in funding for the Landscape Scale Restoration (LSR) program. While U&CF projects have the opportunity to compete for grant funding under LSR, the SUFC

does not support shifting funds from U&CF to LSR. LSR is a complement to the U&CF program, not a replacement. The proposed 16% reduction in U&CF will have negative impacts in states and territories across the country, affecting many local public and private partners and collaborative projects in which federal assistance has been essential. The decrease will erode the capacity that has been developed in cities and towns of all sizes through the technical and financial assistance delivered by state forestry agencies in partnership with the U&CF program. **SUFC recommends the Urban and Community Forestry Program be funded at \$31.3 million in FY 2017.**

- **Community Forests and Open Space Conservation Program (CFP)**

CFP has made substantial progress in preserving forests by increasing opportunities for Americans to connect with forests in their own communities and fostering new public-private partnerships. CFP has supported 27 community forest projects in cities and towns across 15 states and territories. In the latest round of CFP grants, project partners leveraged \$8.7 million in federal funds to secure \$31.8 million in non-federal funding. As a result of these partnerships, more than 14,000 acres of private forestlands have been or soon will be acquired to create new or expand existing community forests. **SUFC recommends an increase in funds to \$5 million.**

- **Forest Health Management**

Forests across the country are threatened by insects and disease pathogens introduced from abroad as an unwanted side effect of international trade. The damage usually starts in urban forests because most imported goods go to cities. As a result, municipal governments across the country are spending an estimated \$3 billion each year to remove trees on city property killed by non-native pests. Homeowners are spending an additional \$1 billion to remove and replace trees on their properties and are absorbing an additional \$1.5 billion in reduced property values. The pests do not stay in the cities, however. They spread to the rural and wildland forests and threaten their many values. Examples include the emerald ash borer – now killing forest trees from New England to the Great Plains; and the polyphagous and Kuroshio shot hole borers now killing trees in southern California riparian areas. While preventing introductions is the desired approach, it is essential that the Forest Service initiate programs countering these pests as soon as they are detected. Forest Health Management program provides essential expertise and assistance to state and municipal agencies and private landowners working to prevent these pests' spread and to develop effective strategies to minimize the damage they cause. **SUFC recommends \$48 million for cooperative lands programs under the Forest Health Management program.**

**USDA Forest Service: Forest and Rangeland Research**

**SUFC urges the Subcommittee to provide funding of \$303 million for the overall R&D program.**

- **Urban Forestry Research**

The Forest Service Research and Development (R&D) program provides critical financial support for urban forestry research activities to develop information and tools for understanding conditions and trends in our nation's urban and community forests. Forest Service researchers have made huge strides in recent years through collaborative efforts to develop new tools, such as i-Tree, for mapping current tree cover, assessing trends, developing local strategies, and building greater understanding of the environmental, economic, and social services that trees and forests provide to communities. **We urge the Subcommittee to continue including language in**

**Interior Appropriations reports encouraging the Forest Service to maintain a strong and vibrant urban forest research program.**

- **Non-native Insects and Diseases Research**

Among the major research challenges facing R&D, SUFC believes, is the destruction of our nation's urban forests caused by non-native insects and diseases. People who value urban forests join supporters of rural and wildland forests in depending on Forest Service R&D to develop better tools for pest detection and protective strategies including chemical and biological controls and breeding of trees resistant to pests. Currently, however, R&D provides only about \$5 million for research on non-native insects and diseases—less than two percent of its total budget. **In the absence of a budget line item for invasive species research, we urge the Subcommittee to include language in its Interior Appropriations report encouraging the Forest Service to increase funding for research targeting non-native insects and pathogens.**

- **Urban Forest in Forest Inventory and Analysis (FIA)**

The SUFC also wishes to call the Subcommittee's attention to our collaborative efforts with the Forest Service to bring urban forest data into the mainstream of the agency's national data-collection program. FIA has long provided the nation's forest census, but it has not historically included urban areas because of its definition of forests. **We ask the Subcommittee to encourage the Forest Service to continue and strengthen its efforts to integrate urban forest data into FIA so that its critical data-collection efforts address all of our nation's forests, including our current and expanding 138 million acres of urban forest.**

#### **Environmental Protection Agency**

- **Clean Water State Revolving Funds (CWSRF)**

Green infrastructure, of which urban forests play a significant part, is a cost-effective and resilient approach to stormwater infrastructure needs that provides many community co-benefits: improving water and air quality; reducing a community's infrastructure cost and promoting economic growth. SUFC supports the EPA's goal of strengthening green infrastructure activities by incorporating green infrastructure and enhancing stormwater management. In FY 2016, funding was reduced in the President's Budget but restored by Congress to \$1.39 billion, resulting in only a small reduction for the current fiscal year. In FY 2017, the President's Budget proposes an unprecedented cut to the CWSRF to just \$979.5 million. **SUFC asks the Subcommittee to restore the CWSRF to the enacted FY15 level of \$1.45 billion. SUFC also supports efforts to expand the use of green infrastructure to 20% to meet Clean Water Act goals through the CWSRF.**

- **Urban Waters Federal Partnership**

The Partnership is a unique 13 agency coordinated effort that helps stimulate local economies, create jobs, improve quality of life, and protect health by revitalizing urban waterways and the communities around them, focusing on underserved urban communities of all sizes. Partnership projects serve as a laboratory for developing and implementing innovative approaches to using Federal resources more efficiently and effectively – targeting investments and leveraging local leaders and community partners. **SUFC supports the Urban Waters Federal Partnership, coordinated by the Environmental Protection Agency Office of Water.**

#### **The National Park Service**

- **Outdoor Recreation Legacy Partnership Program (ORLPP)**

SUFC supports robust funding for the Land and Water Conservation Fund (LWCF) as reflected in the President's FY 2017 budget. The State and Local Assistance Program provides matching grants to states and localities for protection and development of parks and recreation resources and is the primary federal investment tool to ensure that families have easy access to urban forests in parks and open space, and neighborhood recreation resources. This nationally competitive program complements the existing state and local assistance program by creating opportunities for outdoor play as well as developing or enhancing outdoor recreation partnerships in cities. **SUFC supports the President's FY 2017 request of \$110 million for the state and local assistance program, which includes \$12 million for ORLPP.**

- **Urban Parks Recreation Recovery Program (UPARR)**

The reestablishment of UPARR within the National Parks Service, proposed to be funded through LWCF, is essential to bring nature to the urban communities. These competitive grants focus on engaging and connecting communities, especially young people, to their neighborhood parks through projects that would revitalize and rehabilitate park and recreation opportunities. **SUFC supports the President's FY 2017 request of \$25 million for the Urban Park and Recreation Recovery Program (UPARR)**

**The Fish and Wildlife Service**

- **Urban Wildlife Refuges**

With 101 refuges within 25 miles of 250,000 or more people, the Refuge System is a vital component of our urban forests. FWS also engages with 17 urban communities not directly connected to FWS refuges. SUFC agrees that the more engagement of individuals with their surrounding urban forests, the more they will come to understand and appreciate nature in and around their communities. **SUFC supports the Refuge Visitor Service at \$80.38 million with the additional \$5.5 million above FY2016 enacted level to support the Urban Wildlife Refuges.**

Sincerely,

Alliance for Community Trees  
American Forests  
American Planning Association  
American Public Works Association  
American Rivers  
American Society of Consulting Arborists  
American Society of Landscape Architects  
Arbor Day Foundation  
California ReLeaf  
Center for Chesapeake Communities  
Center for Invasive Species Prevention  
International Society of Arboriculture  
National Assoc. of Clean Water Agencies  
National Assoc. of Conservation Districts  
National Assoc. of Landscape Professionals  
National Assoc. of State Foresters  
National Recreation and Parks Association

Outdoor Power Equipment Industry  
Society of American Foresters  
Society of Municipal Arborists  
Student Conservation Association  
The Davey Foundation  
The Nature Conservancy  
Tree Care Industry Association  
Trust for Public Lands  
Utility Arborist Association  
Water Environment Federation

Lawrence A. Selzer, President and CEO, The Conservation Fund  
 Testimony for Subcommittee on Interior, Environment and Related Agencies  
 Regarding Department of Interior, Department of Agriculture, and  
 Environmental Protection Agency  
 March 23, 2016

Chairman Calvert, Ranking Member McCollum, and Members of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, thank you for this opportunity to submit outside witness testimony on behalf of The Conservation Fund (TCF). TCF supports full funding of the President's Budget request of \$900 million in fiscal year 2017 for the Land and Water Conservation Fund (LWCF) discretionary and mandatory proposals, which includes the federal land acquisition programs of the Bureau of Land Management (\$88.77 million), National Park Service (\$134.457 million), U.S. Fish and Wildlife Service (\$137.622 million), U.S. Forest Service (\$128 million), as well as three state grant programs: the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund (\$108.495 million); National Park Service's State Conservation Grants (\$110.006 million); and the U.S. Forest Service's Forest Legacy Program (\$100 million). TCF also supports full funding of the President's request for the U.S. Fish and Wildlife Service's North American Wetlands Conservation Fund (\$35.145 million); the U.S. Forest Service's Community Forest and Open Space Conservation Program (\$5 million); and the Department of Interior's (DOI)—Natural Resource Damage Assessment and Restoration Program (\$9.229 million). TCF requests funding for the Environmental Protection Agency's (EPA) Great Lakes Restoration Initiative (\$300 million); EPA's Clean Water State Revolving Funds (\$979.5 million) and EPA's Drinking Water State Revolving Funds (\$1,020.5 million). Additionally, TCF supports the proposals for the Federal Land Transaction Facilitation Act reauthorization, the National Park Service Centennial Initiative, and the U.S. Forest Service proposal for a fiscally responsible funding strategy that considers catastrophic wildland fires as disasters (i.e. in line with the Wildland Disaster Fund Act).

TCF is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Established in 1985, TCF works with landowners; federal, state and local agencies; and other partners to conserve our nation's important lands for people, wildlife and communities. To date, TCF has helped our partners to conserve over 7.5 million acres. These accomplishments are due, in large measure, to the leadership of this Subcommittee over many years to appropriate funds to acquire lands for future generations, working forests, recreational opportunities, wildlife habitat, and many other benefits.

Below are highlights of some benefits of the LWCF and land acquisition programs. While these projects show the tremendous diversity of benefits of land acquisition for the public, they have one thing in common—each of these projects is driven by landowners. Many farmers, ranchers and forestland owners have significant financial equity in their land. By enabling a landowner to sell a conservation easement or fee title, the LWCF program provides landowners with funds to stay in business, reinvest in businesses, or meet other financial goals.

As the Subcommittee crafts its Interior, Environment and Related Agencies Appropriations bill, there are several key points we respectfully request you to consider, listed below.

1. **Land and Water Conservation Fund (LWCF) at \$900 million (\$475 discretionary and \$425 mandatory)**: Funding at the recommended \$900 million is critical for the nation's premier conservation program, a bipartisan agreement from 50 years ago. The Conservation

Fund supports the President's Budget for \$475 million in discretionary requests and \$425 in mandatory requests. LWCF represents a promise to the nation that proceeds from offshore oil and gas development will help protect the public trust, and the proposed FY2017 projects will fulfill that mission.

The LWCF Budget includes Collaborative Landscape Planning (CLP) areas that we ask you to support: Island Forests at Risk, High Divide, National Trails System, Rivers of the Chesapeake, Florida-Georgia Longleaf Pine, Southern Blue Ridge, and Pathways to the Pacific. In each CLP, several Federal land agencies are partnering with states, local groups, non-profits and private interests to support conservation and make a lasting impact.

**Bureau of Land Management (BLM) Land Acquisition at \$88.77 million (\$43.595 million discretionary and \$44.818 million mandatory).** The BLM and its National Conservation Lands provide some of our nation's best recreation and historic areas. From exploring ancient petroglyphs in the canyon at Agua Fria National Monument in Arizona to floating the Upper Colorado River Special Recreation Management Area, we request full funding of the agency's discretionary and mandatory project lists.

**National Park Service (NPS) Federal Land Acquisition at \$134.457 million (\$68.242 million discretionary and \$66.215 million mandatory).** Hosting more than 292 million visitors every year, the over 400 National Park units provide an economic boost to their local communities and those employed directly and indirectly. Funding for NPS LWCF will help protect key access points for recreation, historic areas, trails and more, including at Little River Canyon National Preserve in Alabama and Captain John Smith National Historic Trail in Maryland, Virginia, and Delaware. We respectfully request full funding of the agency's discretionary and mandatory project lists.

**U.S. Fish and Wildlife Service (FWS) Land Acquisition at \$137.622 million (\$58.655 million discretionary and \$78.967 million).** National Wildlife Refuges (NWR) are our nation's protectors of clean water, clean air, abundant wildlife and world-class recreation. Funding for FY2017 FWS LWCF will help protect water quality in the Chesapeake Bay area, critical wildlife habitat at National Wildlife Refuges in Montana and many other important places. We respectfully request full funding of the agency's discretionary and mandatory project lists.

**U.S. Forest Service (USFS) Land Acquisition at \$128 million (\$65.653 million discretionary and \$62.347 million mandatory).** USFS LWCF funds help with forest management by protecting key inholdings and reducing fire threats. From the Pisgah National Forest in North Carolina to the Caribou-Targhee National Forest in Idaho, we are working with willing landowners at priority project areas and respectfully request full funding of the agency's discretionary and mandatory project lists.

**LWCF State Grant Programs: FWS-Section 6 Cooperative Endangered Species Fund, NPS- State Conservation Grants, and USFS-Forest Legacy:** We encourage the Subcommittee to fully fund FY2017 President's Budget request for:

- **FWS—Section 6 Cooperative Endangered Species Conservation Fund: \$108.495 million**
  - **NPS—State Conservation Grants: \$110.006 million**
  - **USFS—Forest Legacy Program: \$100 million**
2. **DOI and USFS Land Acquisition Programs:** TCF encourages the Committee to fund:
- **FWS—North American Wetlands Conservation Fund: \$35.145 million**
  - **USFS—Community Forest and Open Space Conservation Program: \$5 million**
3. **Department of Interior—Natural Resource Damage Assessment and Restoration Program at \$9.229 million.** The Restoration Program leads the national response for recovery of natural resources that have been injured or destroyed as a result of oil spills or releases of other hazardous substances. Recoveries from responsible parties can only be spent to implement restoration plans developed by the Trustee Council for each incident. These funds are one hundred percent private and represent the amount needed to restore environmental resources or compensate for lost public use since the damage in question. The FY2017 funds would allow the Program to add carefully targeted staff allocated to Interior bureaus and offices through its Restoration Support Unit in order to accelerate restoration activities.
4. **Environmental Protection Agency—Great Lakes Restoration Initiative (GLRI) at \$300 million.** TCF urges funding of GLRI at \$300 million. The Initiative provides critical support for on-the-ground restoration programs and projects targeted at the most significant environmental problems in the Great Lakes ecosystem. Over the past five years, the Initiative has opened up fish access to more than 3,400 miles of rivers, expanding recreational opportunities. It has also accelerated the cleanup of toxic hotspots, resulting in the delisting of three formerly contaminated sites.
5. **Environmental Protection Agency—State Revolving Funds.** TCF encourages the Committee to fund:
- **Clean Water State Revolving Fund: \$979.5 million**
  - **Drinking Water State Revolving Fund: \$1,020.5 million**
6. **Reauthorization of the Federal Land Transaction Facilitation Act.** We support the FY2017 President's Budget request to reauthorize the Federal Land Transaction Facilitation Act (FLTFA). FLTFA is a western federal lands program that facilitates strategic federal land sales by the BLM in order to provide funding for high-priority land conservation within or adjacent to federal lands in the eleven contiguous western states and Alaska. Over 165 groups are working together to support Congress' efforts to reauthorize FLTFA. FLTFA expired in 2011, and reauthorization will enhance the lands and economy by facilitating federal land sales and conservation transactions, at no cost to the taxpayer.
7. **Wildlife Disaster Funding Act (S. 235 and H.R. 167) and Avoiding Transfers to Wildland Fire Suppression:** We support the proposal in the President's Budget that would avoid transferring funds Congress appropriates to other priority programs to fund wildland fire suppression. Unfortunately and again in FY 2015, the ten-year average was not enough

to meet the USFS suppression needs, forcing the agency to transfer \$700 million from non-suppression accounts to make up for the shortfall. In FY2016, we are thankful to the Committee for the full transfer repayment and increased suppression funding in— however, we understand this is not expected to occur every year, and DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets. We support language mirroring the bipartisan Wildfire Disaster Funding Act (S. 235 and H.R. 167), which is needed to prevent future transfers and ensure that the USFS and DOI can achieve their land management objectives by implementing activities needed to address the growing buildup of hazardous fuels on federal lands. This language provides the structure to fund a portion of the USFS and DOI wildfire suppression costs through a budget cap adjustment under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The funding structure is similar to that used by other agencies who respond to natural disaster emergencies. We respectfully request a bipartisan fire funding solution that would: (1) access disaster funding, (2) minimize transfers, and (3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

The Conservation Fund stands ready to work with you to secure full and consistent funding for the LWCF, Forest Legacy, and the other critically important programs that help protect the environment, economies, forests, and community values across our nation. Thank you for the opportunity to provide this testimony and your consideration of our request.

**Testimony of Robin Bronk, CEO of The Creative Coalition  
Tim Daly, President of The Creative Coalition**

**United States Senate  
Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

**In Support of the National Endowment for the Arts**

**March 23, 2016**

Chairman Murkowski, Ranking Member Udall and members of the Subcommittee, thank you for the opportunity to submit written testimony regarding the Fiscal Year (FY) 2017 funding level for the National Endowment of the Arts (NEA). We are writing on behalf of The Creative Coalition, the 501(c)(3), non-profit, non-partisan public advocacy organization of the arts and entertainment community to urge Congress to provide \$155 million for NEA in the FY 2017 Interior, Environment, and related Agencies Appropriations Bill. We very much appreciate the opportunity to express our views on the need for sufficient funding for the arts.

In 1989, actors Ron Silver, Christopher Reeve, Susan Sarandon, Alec Baldwin, and others established The Creative Coalition to advocate for more significant public investment in America's arts organizations and arts education programs like the NEA. The Creative Coalition's membership includes actors, directors, producers, writers, entertainment industry executives, and others who make their living in theater, film, arts, letters, and television.

The arts help us discover who we are. The leadership of The Creative Coalition is living proof of this. Robin grew up in a small, rural town in South Carolina where high school plays and community theatre productions were part of the lifeblood of the community. One of the most influential people in her life was a high school chorus teacher who was a master at using the arts to help discover what the curriculum was really all about. Many students at D.W. Daniel High School learned about math and science from building sets, designing light-grids and wiring sound boards. Important lessons about discipline and team work came from being a member of the school band.

Tim grew up in a family of actors and was first on stage when he was seven years old in a play with his parents and two sisters at the Bucks County Playhouse in New Hope, Pennsylvania. Since those early days on the stage, Tim has played significant roles in three long-running TV series and appeared in more than 75 different movies and television programs as part of an industry that generates millions of jobs and billions of dollars in economic development each year for our country.

We are pleased that over the last couple of years, arts funding, particularly for the NEA, has risen slightly from \$146 million in FY 2015; to \$148 million in FY 2016; to President Obama's budget request of \$149 million for Fiscal Year 2017. We recognize the significance of these modest funding increases when such an emphasis is currently placed upon fiscal constraint. We encourage you to continue with this trend and call on you to dedicate \$155 million in FY 2017 for the NEA in its 50<sup>th</sup> Anniversary year. This level of funding would adequately celebrate this milestone and better leverage state, local, and private arts funding. Increased funding will help

to restore critical federal arts programming – which supports creativity and innovation, and provides measured cultural, educational, and economic benefits.

We must acknowledge the compelling data supporting federal investment in the arts. Statistics show that every NEA grant dollar spent will leverage ten more dollars from private and other public funds. This far surpasses the required non-federal match of at least one to one. Data also indicates that the non-profit arts industry supports 4.13 million jobs in the arts and related industries. The Bureau of Economic Analysis and the NEA have calculated the arts and culture sector's contributions to the gross domestic product at \$698 billion or 4.32 percent. The data is indisputable that federal funding of the arts is a wise investment.

However, the benefits of federal funding for the arts are about much more than compelling economic data and leveraging additional dollars. One can easily make a connection between NEA funding and federal efforts to support strong fathers and families, juvenile justice and delinquency prevention, federal anti-bullying campaigns, preparing a 21<sup>st</sup> Century workforce, and federal economic development programs. Just compare the goals of any of these programs with the outcomes associated with participation in the arts and you will see strong correlations. A recent grant from the NEA to Project STEP in Boston, MA provides advanced music instruction to minority students from elementary school through high school. These students join chamber music ensembles, perform regularly in recitals and community outreach concerts and attend classes and professional concerts. The program not only provides mentoring and performance opportunities, but it aims to create a network of support for the students, their families, and their communities to allow them to excel in a field of music that is typically underrepresented in African-American and Latino communities. The goal of the program is to expand exposure to classical music so that future classical musicians better reflect the racial and ethnic diversity of our communities.

We know that young people's involvement in the arts has a huge impact on them later in life. They do better on standardized tests, are more likely to graduate from high school, and increase their chances of graduating from college. Data conclusively establishes links between the arts and achievement in science, technology, engineering, and math. Research shows that students with four years of arts education score roughly 100 points higher on their SATs. Business leaders no longer look to fill positions with candidates possessing only the strongest science education, but are increasingly seeking out individuals who have a background in the arts as well. It is not only those of us in the arts community who make this claim. James McNerney, Jr., Chairman, former President and Chief Executive Officer, of The Boeing Company, has stated:

“At Boeing, innovation is our lifeblood. The arts inspire innovation by leading us to open our minds and think in new ways about our lives - including the work we do, the way we work, and the customers we serve.”

Speak to anyone of note in the areas of politics, business, media, community leadership, and the entertainment industry and you will find individuals who were drawn into the arts as young people. They were acting in community theater productions and school plays, playing in bands, spending their afternoons and weekends at local dance companies. Many members of Congress are known to play musical instruments or even form singing groups like the “Singing Senators.”

We have no doubt the non-profit arts ecosystem nurtured them into the thought and idea leaders we know today.

Beyond supporting youth and creating dynamic thinkers, the arts are valued for their ability to revitalize communities. They stimulate tourism, attract business investment, foster creative climates, and offer more quality lifestyles. Communities that have embraced the arts entice more young professionals and make them want to stay and raise their families. As a testament to the importance of the arts to state and local communities, the National Governors Association offers guidance on how states can attract, harness, and utilize the arts to create places where people want to live and visit.

NEA and the grants it provides to smaller community arts efforts do more than bring joy to children and adults. These grants enrich their lives and create foundations for more active and responsible citizens, more innovative and critical thinkers, and more inclusive and vibrant communities. The NEA grant to Theatre Squared in Fayetteville, Arkansas will help fund a project that converts an existing parking lot into a thriving hub for artists and audiences. When finished, the theater commons will include a performance venue, rehearsal space, classrooms, studio space and artist housing. This new facility will expand access to tens of thousands of additional community members, while serving as a new institutional anchor for the downtown district. Without the support of NEA grants for arts education and community arts organizations, fewer individuals would have the opportunity to participate in arts and develop the creative skills that often lead to future success.

Survey any of The Creative Coalition's members and you will find individuals who were inspired by the arts at an early age. Our members were motivated to succeed by the visions, confidence, and comradery instilled in them by their exposure to the arts. The essence of why access to the arts is so vital might be best captured in the words of one of our members:

*When I was seven years old, I fell in love with the most beautiful thing I ever met...Acting. The art of expression has given my heart a permanent smile. I live my life pursuing a dream to make the unbelievable believable. This love has kept me faithful, honest, passionate, happy and peaceful. Growing up in the projects of New York City where there was trouble on every corner, I was fortunate to have the arts to keep me distracted and out of trouble. The arts are the greatest gift I have ever received.*

—Actor Marlon Wayans

We know that exposure to the arts is not simply about creating professional and amateur artists. It is not just about the economic impact of the arts and entertainment industry. Although these are important contributions, the arts are about discovering the creative inspiration that will allow an individual to reach their full potential. It is about the journey, the creative process invoked, and the inspiration to achieve – no matter what path life takes you.

Adequate federal funding for the arts is vital to maintaining our arts economy, ensuring American competitiveness in a global market that values creativity, and most importantly, continuing to provide opportunities for young people to find their creative inspiration and reach their full potential. The NEA is often responsible for bringing the arts to individuals and

communities who otherwise would not have the opportunity to discover the richness that arts can bring to your life. Therefore, The Creative Coalition urges the Committee to increase the funding level for the National Endowment of the Arts to \$155 million in Fiscal Year 2017.

Thank you for your consideration and for the opportunity to submit this testimony.



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**Statement of The Nature Conservancy  
Fiscal Year 2017 Interior, Environment and Related Agencies Appropriations  
Committee on Appropriations, United States House of Representatives  
March 23, 2016**

Chairman Calvert, Ranking Member McCollum and members of the Subcommittee, thank you for the opportunity to submit recommendations for Fiscal Year (FY) 2017 appropriations. The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and waters upon which all life depends.

As we enter the FY2017 Budget cycle and another year of a challenging fiscal environment, the Conservancy continues to recognize the need for fiscal austerity. The Conservancy also wishes to thank this Subcommittee for the final FY2016 funding levels for Department of the Interior conservation programs. Our budget recommendations this year reflect a balanced approach with funding levels consistent in most cases with FY2016 funding levels or, in rare instances, reflecting specific program needs. Of particular note, we wish to work with this Subcommittee and the authorizing Committees on identifying permanent funding solutions for wildfire funding, the Land and Water Conservation Fund, the Payment in Lieu of Taxes Program and Secure Rural Schools. The Conservancy appreciates the Committee's support of the bipartisan Wildfire Disaster Funding Act. We respectfully request a bipartisan fire funding solution be included as part of the FY2017 Interior, Environment, and Related Agencies' appropriations bill. A fire funding solution must fund wildfires like natural disasters by 1) accessing disaster funding, 2) minimizing transfers, and 3) dealing with the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier condition. We also strongly support the emphasis on funding for sage grouse conservation in the FY2017 budget request.

**Land and Water Conservation Fund (LWCF).** The FY2017 President's Budget again proposes the establishment of a dedicated source of long-term funding for the Land and Water Conservation Fund. In the proposal, the President's Budget includes \$475 million for LWCF activities through "current authority" or discretionary appropriations and then an additional \$425 million in "permanent authority" or mandatory funding for LWCF. The budget then proposes to reach the \$900 million funding level in FY2017 through this blend of current and permanent funding. The Conservancy supports this phased shift to mandatory funding for the LWCF Program. However, consistent with prior years and as noted above, we believe the Administration must work closely with the relevant appropriations and authorizing committees to move this proposal forward. Additionally, the Conservancy supports the balanced approach in the budget on both "core" and "collaborative" LWCF projects. Projects in the Upper Rio Grande landscape in CO and NM, Rivers of the Chesapeake in MD and VA, and the Island Forests at Risk landscapes of HI will benefit greatly from the collaborative emphasis. Our core priorities this year include the Silvio O. Conte NFWF (NH/VT/CT/MA) and the working ranches and agricultural production areas of FL's Everglades Headwaters NWR & Conservation Area, ND and SD's Dakota Grasslands Conservation Area, UT, ID and WY's Bear River Watershed

Conservation Area, KS's Flint Hills Legacy Conservation Area and MT and WA's Great Western Checkerboard.

**Forest Legacy.** We support a minimum of \$62 million for the Forest Legacy Program in current discretionary funding and the \$38 million in permanent, mandatory funding (with our aforementioned caveats), totaling \$100 million for Forest Legacy Programs.

**Endangered Species.** The Conservancy supports a funding level of at least \$53 million for the Cooperative Endangered Species Conservation Fund (CESCF), and also requests the Subcommittee give consideration to the additional FY2017 President's Budget request for permanent funding per our earlier request for negotiations to occur between the Administration and relevant Congressional committees on a path forward for this funding. We also request your continuing support for Habitat Conservation Plan (HCP) funding, specifically HCP Land Acquisition Grants where the need has greatly outpaced available resources in recent years.

**Wildlife Planning.** The Conservancy continues to support the Western Governors' Association's (WGA) and this Subcommittee's efforts to recommend federal land management agencies utilize state fish and wildlife data and analyses to inform the land use, land planning and related natural resource decisions of those agencies. As an example of strong state-led data systems, WGA has partnered in recent years with state wildlife agencies and the federal government to develop statewide GIS mapping tools to identify crucial wildlife habitat and migratory corridors. These geospatial mapping tools, which provide access to credible, broad-scale scientific data – compiled and analyzed by the states – are designed to reduce conflicts and surprises while ensuring wildlife values are better incorporated into land use planning, particularly for large-scale linear projects.

**State and Tribal Wildlife Grants.** The Conservancy supports the President's FY2017 funding request of \$67 million for this program. Strong federal investments are essential to ensure strategic actions are undertaken by state, Tribal and federal agencies and the conservation community to conserve wildlife populations and their habitats and to prevent species from being listed as threatened or endangered.

**Wildlife Conservation Programs.** The variety of wildlife conservation programs conducted by the US Fish and Wildlife Service (FWS) continue a long and successful tradition of supporting collaborative conservation in the U.S. and internationally. We urge the Committee to fund the President's request for such established and successful programs as the North American Wetlands Conservation Act (NAWCA), Neotropical Migratory Bird Conservation Fund (NMBCA), and the FWS Coastal Program. We support the President's request for the Migratory Bird Joint Ventures and the FWS Migratory Bird Management Program. For the latter, we are particularly supportive of FWS' efforts at developing updated eagle permitting regulations which will both support the development of renewable energy in our country and contribute to sustainable and growing populations of these iconic North American species. We support the President's FY2017 request for the Partners for Fish and Wildlife Program and the requested funding for Cooperative Landscape Conservation and Adaptive Science at \$17.87 million. The latter will help support DOI's overall commitment to Landscape Conservation Cooperatives and will contribute to collaborative problem solving for some of our nation's most challenging issues. We also request strong funding this year for the National Fish Habitat Initiative.

**International Programs.** The international conservation programs appropriated annually within the Department of Interior are relatively small but are effective and widely respected. They

encompass the U.S. Fish & Wildlife Service's (FWS) Multinational Species Conservation Funds, the FWS Wildlife Without Borders regional and global programs, and the U.S. National Park Service International Program. We urge that FY2017 levels for these programs remain equivalent to FY2016 levels at a minimum.

**National Wildlife Refuge System.** The Conservancy supports the President's budget request of \$506.6 million for the Refuge System's Operations and Maintenance accounts. Found in every U.S. state and territory, national wildlife refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie, and forests. This represents the funding necessary to maintain management capabilities for the Refuge System.

**DOI Wildland Fire Management.** The Wildfire Disaster Funding Act (W DFA) must be approved prior to an FY2016 appropriations package to adequately fund suppression and provide flexibility for activities that reduce fire risk and long-term suppression costs in FY2016. The Conservancy greatly appreciates the Committee's support of this much-needed fire funding fix.

**Hazardous Fuels and Restoration.** Strategic, proactive hazardous fuels treatments have proven safer and more cost-effective in reducing risks to communities and forests by removing overgrown brush and trees, leaving forests in a more natural condition resilient to wildfires. Additionally, drought conditions increase the need for investment in this program. The Conservancy recommends investing in DOI's Hazardous Fuels Program at levels of \$178 million, in addition to investing \$30 million into the new Resilient Landscapes program designed to restore and maintain fire adapted landscapes and habitats and repeating the Committee's FY2012 instructions for allocating funds to priority landscapes in both WUI and wildland settings.

**Sage Grouse Conservation.** This budget requests additional investment to provide needed resources for ongoing efforts to restore and conserve sagebrush habitat and the greater sage-grouse across federal, state, tribal and private lands. We support the President's budget request for \$90 million for sage-grouse conservation at Interior agencies (\$79M - BLM, \$4M - FWS, \$4.2M - USGS and \$2.8M - WFM). The additional budgetary support is needed to implement on-the-ground projects and monitor habitat treatments, address rangeland fire and broader wildland fire prevention, suppression and restoration efforts, and support the partnership and science necessary for effective conservation. The BLM is facing perhaps the single most challenging effort in its history in conserving key sagebrush habitat, addressing identified threats to sage-grouse and promoting sustainable economic development across some 165 million acres in coordination with state and local managers and private land owners. Additional resources for the FWS will be used, *inter alia*, for developing voluntary prelisting conservation agreements with private landowners who are ready and willing to undertake critical conservation work for the sagebrush steppe ecosystem on large blocks of private lands.

**BLM Landscape Approaches to Land Management and Renewable Energy Development.** The Conservancy supports the Administration's recommended FY2017 funding for BLM's initiatives to implement landscape approaches to land management which include Rapid Ecoregional Assessments, Resource Management Planning and the Planning 2.0 initiative, Regional Mitigation Planning, coordination with LCCs, and the Assessment, Inventory, and Monitoring (AIM) Strategy. Many BLM programs contribute to these cross-cutting initiatives including: National Landscape Conservation System - (\$50.65 million); Resource Management Planning program (\$65.2 million); Wildlife and Fisheries management (\$108.7 million request);

and Threatened & Endangered species management (\$21.6 million request). Additionally, the Conservancy supports continued funding for BLM's renewable energy development program at \$29 million which includes implementation of the Western Solar Energy Program. Collectively, these efforts will help BLM manage its lands efficiently and effectively for energy development, species and habitat conservation, recreation, and other uses to maximize the public benefit from these lands.

**Environmental Protection Agency.** EPA's geographic programs including the Chesapeake Bay, Great Lakes, Gulf of Mexico, Puget Sound and Mississippi River programs make a significant contribution to protecting habitat and water quality in the large landscapes where they work. The Conservancy urges the Committee to continue strong funding for these programs.

**Colorado River Basin Recovery Programs.** The Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program take a balanced approach to recovering four endangered fish species in the Colorado River basin. The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships involving the States of New Mexico, Colorado, Utah, and Wyoming, as well as Indian tribes, federal agencies, and water, power and environmental interests. These programs provide critically important Endangered Species Act (ESA) compliance for over 2,450 federal, tribal, state, and private water projects across the Upper Colorado River Basin. Through these efforts, water use and development has continued in growing western communities in full compliance with the ESA, state water and wildlife law, and interstate compacts. Implementation of the ESA has been greatly streamlined for federal agencies, tribes and water users. The Conservancy supports the President's FY2017 Budget request of \$1.532 million for FWS for the Colorado River Basin recovery programs, including recovery funds for both the Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program, as well as fish hatchery needs associated with the recovery plans.

Thank you for the opportunity to submit The Nature Conservancy's recommendations for the FY2017 Interior, Environment and Related Agencies Appropriations Bill.



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**Statement of Cecilia Clavet, Senior Policy Advisor, The Nature Conservancy  
Fiscal Year 2017 Interior, Environment and Related Agencies Appropriations  
Committee on Appropriations, United States Senate  
March 23, 2016**

**USDA Forest Service**

Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to submit recommendations for FY 2017 appropriations. The Nature Conservancy is an international non-profit conservation organization whose mission is to conserve the lands and waters upon which all life depends.

America's public forests have tremendous national importance but their health puts them at severe risk unless we invest in proper stewardship and forestry. America's forests store and filter more than half of our nation's water supply, provide jobs to nearly one million forest product workers, generate \$13.6 billion in recreation based economic activity, are habitat to thousands of forest-dependent wildlife and plant species, offer a million square miles to sportsmen and families for outdoor recreation, and are a major carbon sink that sequester 15 percent of all fossil fuel emissions in the U.S.

However megafires, pests, drought, and sprawl place forests at great risk; approximately 62 million acres are in immediate need of urgent restoration to return forests to healthier conditions—and that is on national forests alone. Unfortunately, forest restoration is significantly obstructed by ballooning fire suppression costs.

Again in FY 2015, the ten-year average was not enough to meet Forest Service suppression needs, forcing the agency to transfer \$700 million from non-suppression accounts to make up for the shortfall. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management, among many other activities. Additionally, the increasing ten-year average continues to constrain the agency's relatively flat budget, which is why *we are thankful to the Committee for both the full FY 2015 transfer repayment and increased suppression funding in FY 2016.*

The Conservancy understands this increased suppression funding level is not guaranteed every year. The Department of the Interior and Forest Service need a long-term fire funding solution that would result in stable and predictable budgets. We greatly appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act, and respectfully request a bipartisan fire funding solution be included in an appropriations package that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

Investing in the following USDA Forest Service programs is critical to meeting forest restoration goals:

**Increase funding for Collaborative Forest Landscape Restoration (CFLR) to \$60 million—**

The CFLR program is demonstrating that collaboratively-developed forest restoration plans can be implemented at a large scale with benefits for people and the forest. This is a model approach that brings citizens, local government and federal staff together to determine effective management that is locally appropriate and provides jobs, sustains rural economies, reduces the risk of damaging fires, addresses invasive species, improves wildlife habitat, and decommissions unused, eroding roads. The funding increase will guarantee the existing 23 successful projects can continue, and additional critical projects across America can begin.

**Fund the Hazardous Fuels programs at no less than \$479 million—**Strategic, proactive hazardous fuels treatments have proven safer and more cost-effective in reducing risks to communities and forests by removing overgrown brush and trees, leaving forests in a more natural condition resilient to wildfires. Drought conditions increase the need for investment in this program to restore and maintain fire adapted landscapes and habitats.

The Conservancy additionally recommends funding levels that support critical restoration programs on national forests. Effective and durable restoration requires integrated approaches that address threats and improve forest health and habitat values while supporting forest-dependent communities:

- **Wildlife & Fisheries Habitat Management maintained at a \$140 million funding level** to restore, recover, and maintain wildlife and fish and their habitats on all national forests and grasslands.
- **Vegetation & Watershed Management funded at \$185 million** to promote restoration through watershed treatment activities, invasive plant species control, and reforestation of areas impacted by wildfire and other natural events.
- **Legacy Road and Trail Remediation (LRT) maintained at \$50 million** to restore river and stream water quality by fixing or removing eroding roads, while providing construction jobs, supporting vital sportsmen opportunities, and reducing flooding risks from future extreme water flow events.
- **Land Management Planning, Inventory and Monitoring funded at \$201 million, including consolidating the two previously separate budget items.** Consolidation will be more efficient for land managers, while supporting the collaborative, community and science based planning featured by the Forest Service 2012 Forest Planning regulation.

**Fund Forest Health programs at a total of \$111 million (\$63 million for Federal and \$48 million for Cooperative)—**Forest health programs work to protect forests by minimizing the impacts caused by invasive species. Across the nation large-scale, non-native insect, disease, and invasive plant outbreaks are damaging forest health. These programs help reduce invasions of non-native pests that destroy iconic American trees such as ash, hemlock, and California oaks.

**Fund State Fire Assistance (SFA) at \$86 million**—SFA provides aid to communities for fuels treatments, firefighter capacity building, fire prevention education, and pre-fire planning. The SFA program is an important complement to the Hazardous Fuels program for federal lands.

**Fund Landscape Scale Restoration (LSR) at \$24 million**—Through LSR, non-federal lands have access for competitively selected projects that leverage state funding, restore forests of national importance, and, whenever possible, complement CFLR and other landscape scale restoration efforts.

**Fund Forest & Rangeland Research at \$293 million**—Forest and Rangeland Research offers scientific basis for policies that improve the health and quality of urban and rural communities. This program is vital for the long-term health and utility of our American forests and rivers, particularly as we face an uncertain climatic future.

**Maintain funding for the Joint Fire Science Program at \$7 million and maintain funding under *Wildland Fire Management*.** This key, yet small, program has proven a great success in supporting practical science that reduces fire risk and enhances economic, ecological, and social outcomes nationwide.

**Fund Forest Legacy at a minimum of \$62 million for the Forest Legacy Program in current discretionary funding and \$38 million in permanent, mandatory totaling \$100 million**—The Forest Legacy program, in partnership with states, supports efforts to acquire conservation easements and fee simple interests on privately owned forest lands from willing sellers. These acquisitions leverage non-federal dollars and support long-term sustainable forestry while protecting other ecological, watershed and recreational values for local communities at risk of development or conversion to other uses.

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**Testimony of Kathy DeCoster**  
**Vice President and Director of Federal Affairs, The Trust for Public Land**  
**Regarding the Land and Water Conservation Fund**  
**and other Federal Land Conservation Programs**  
**House Appropriations Subcommittee on Interior, Environment and Related Agencies**  
**March 23, 2016**

Chairman Calvert, Ranking Member McCollum, and distinguished members of the Interior Subcommittee:

Thank you very much for the opportunity to submit testimony on behalf of The Trust for Public Land in support of programs under your jurisdiction for the Fiscal Year 2017 appropriations process. The Trust for Public Land (TPL) is a national nonprofit land conservation organization working to protect land for people in communities across the nation. We are extremely grateful for the support members of this Subcommittee and other conservation leaders in Congress have shown for federal conservation programs during these challenging fiscal times. We recognize that the Subcommittee will again face enormous challenges in meeting the broad range of priority needs in the Interior and Environment bill this year. Our work in many of your districts and elsewhere around the country shows that there is tremendous support for conservation and access to recreation at the local, state and federal level, and the programs under your jurisdiction play a critical role in bringing those community visions to reality. Thank you for your support.

Federal funding is an absolutely critical part of the conservation toolbox and provides manifold benefits to the American people. Given the limited public conservation funding at all levels of government, TPL works to leverage federal conservation dollars, bringing to bear private philanthropic support as well as state and local funding to forge solutions to sometimes complex conservation funding challenges. The major programs under your jurisdiction that we count on year in and year out are the entire suite of Land and Water Conservation Fund (LWCF) programs – including BLM, FWS, NPS and USFS acquisitions, NPS state and local grants, the Forest Legacy Program, the Cooperative Endangered Species Conservation Fund and the American Battlefield Protection Program – as well as the USFWS North American Wetlands Conservation Act and the USFS Community Forest Program.

**Land and Water Conservation Fund** - The Land and Water Conservation Fund (LWCF) celebrated its 50<sup>th</sup> anniversary in 2014. In the FY 2016 omnibus appropriations bill, Congress took an important step by reauthorizing the program for three additional years until 2018 and appropriating \$450 million, an increase from \$306 million. These two actions were a major achievement. We are extremely grateful to the members of the Subcommittee for their critical role in this successful effort, which will result in important conservation and outdoor recreation investments at the local, state and federal levels. Investments in conservation and outdoor recreation make sound economic sense. The Outdoor Industry Association estimates that active outdoor recreation contributes \$646 billion annually to the U.S. economy, supports nearly 6.1 million jobs across the country, and generates \$39.9 billion in annual national tax revenue.

We strongly support the FY 2017 President's Budget proposal to fully fund the Land and Water Conservation Fund at \$900 million, with \$475 million from discretionary sources and \$425 million in mandatory funds, for the various component programs funded under LWCF. In the FY 2017 bill, we respectfully request that you allocate at least the \$475 million in discretionary funding to support essential community-based conservation and outdoor recreation needs. We

recognize that the mandatory funding request requires additional legislative action, and we appreciate the support of the Subcommittee as that process moves forward. Continued annual investment in the entire suite of LWCF programs as proposed in the budget is essential and we are ready to work with the Subcommittee to ensure that dollars invested are well spent on our nation's most urgent needs. We greatly appreciate the key role your Subcommittee plays in ensuring that program dollars are used for high-priority strategic investments and appreciate that in challenging budgetary times you have maintained a commitment to this bipartisan program.

LWCF's programs bring specific and complementary conservation benefits to the American public. These key programs are:

**BLM/FWS/NPS/USFS Land Acquisitions** - Every year tens of millions of Americans, as well as visitors to our country, enjoy our federal public lands – national parks, forests, wildlife refuges and BLM conservation lands. Recent data shows that National Park Service units were visited by larger numbers than in the past 20 years. Strategic inholding and other acquisitions in these federal areas through LWCF ensure recreation access and nature education; foster vital economic growth; protect clean water and other community resources; enhance the incomparable natural and scenic treasures that belong to all Americans; and frequently resolve complex land-use conflicts and produce management savings. Without adequate funding, the unfortunate alternative often is an irretrievable loss of public use and enjoyment of these areas and irreversible damage to the resources we all care about.

This is precisely the choice for numerous outdoor recreation and natural resource protection projects budgeted in FY 2017, including lands in the Tahoe and Eldorado national forests in California, along the Bonneville Shoreline Trail near Salt Lake City, Utah, and the Appalachian Trail near Harpers Ferry, West Virginia. The Trust for Public Land is working in these and other areas identified in the President's budget and looks forward to working with the Subcommittee as you consider these critical needs.

We applaud the inclusion of recreational access line items in the FY 2016 omnibus appropriations bill for each of the four land management agencies – with particular emphasis on BLM and USFS -- and support similarly focused funding in the FY 2017 bill to address opening up and improving public access to the outdoors.

We urge the Subcommittee to allocate at least the discretionary funding levels for each land management agency as proposed in the FY 2017 President's budget: BLM - \$32.301 million; FWS: \$35.884 million; NPS: \$37.314 million; USFS: \$49.703 million.

**USFS: Forest Legacy Program** – For 25 years, the Forest Legacy Program has been an extraordinarily effective program, providing assistance to states and localities seeking to preserve important working forests. It has protected over 2.5 million acres of forestland and has leveraged more than the required 25 percent match. For FY 2017, the President's Budget recommends projects that provide multiple public benefits through forest protection – clean water, wildlife protection, climate change adaptation and mitigation, public access to recreation, economic development and sustainable forestry. We urge your continued support for sustained investment in this strategic and successful program. Included in the FY 2017 budget proposal are numerous projects where TPL is working with states, landowners and other partners to protect recreation access for snowmobilers and hikers, ensure jobs in the woods, buffer important federal and state conservation areas and provide strategic land conservation that fits a larger goal. Among these

are the Whitefish Lake Project which will protect the recreational access, a municipal water supply and critical wildlife habitat near Whitefish and Columbia Falls in Montana; an 880-acre property directly adjacent to Zion National Park; a 7,130-acre working forest project on the Olympic Peninsula along Puget Sound in Washington, a 4,351-acre tract near a naval airfield in Santa Rosa County, Florida. We support a minimum of \$62.347 million in discretionary funding for the Forest Legacy Program in FY 2017.

**USFWS: Cooperative Endangered Species Conservation Fund** – We are grateful for the Subcommittee's historic support for USFWS grant programs, including the Cooperative Endangered Species Conservation Fund (CESCF), which leverages state and private funds and has protected threatened and endangered species habitat across the nation. Two components of this program are funded via LWCF: the Habitat Conservation Plan (HCP) Land Acquisition program and the Recovery Land Acquisition (RLA) program. The CESCF has been critical to communities like Riverside County, CA; Washington County, UT; and Whitefish, MT where landowners and public wildlife managers are working together through integrated HCP's to foster species recover and appropriate economic development. We support at least the enacted level of \$30.8 million for the HCP and RLA programs.

**NPS: State and Local Assistance grants** – Since 1965, the state and local assistance grant program has provided over \$4 billion in federal funds for more than 42,000 projects in states and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance and opportunities for close-to-home recreation. Through our Parks for People Program, The Trust for Public Land works with local communities to create, build, design, fund and care for parks, trails and playgrounds. As we continue our work with many of these communities to meet these needs, we hope the Subcommittee will fully fund the Administration's discretionary request for stateside grants and that a mandatory full-funding LWCF solution will provide much-needed additional funding for this important program. We also strongly support the allocation of a portion of LWCF state and local assistance funds to the nationwide competitive program, the Outdoor Recreation Legacy Program, which has now been included in three consecutive appropriations bills. Last year Congress demonstrated a deeper commitment to this program by bringing its funding level up to \$12 million, for which we are extremely grateful. We greatly appreciate the Subcommittee's leadership in setting aside these funds and support an allocation of no less than \$12 million for ORLP in FY 2017.

**NPS: American Battlefield Protection Program** – We applaud the Subcommittee for its longstanding commitment to this important program, which complements acquisitions of threatened Civil War, Revolutionary War, and War of 1812 properties in national park units with non-federal land protection of key battlefield sites. We hope that Congress can fully fund the program again at the enacted \$10 million level.

Beyond LWCF, we urge the Subcommittee to provide adequate funding to other conservation programs including:

**USFWS: North American Wetlands Conservation Act** – We respectfully request your support for program funding at the enacted and proposed level of \$34.1 million in FY 2017. The North American Wetlands Conservation Act (NAWCA) provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects. A recent NAWCA grant

will help ensure protection of a 215-acre property in the growing suburbs of Portland, Maine, including a 46 acre pond that provides habitat for waterfowl and migratory birds. NAWCA is a highly-leveraged program with a substantial record of success and is another important federal conservation tool to support critical wetland habitat.

**USFS: Community Forest Program** – We urge your continued support for the Community Forest Program (CFP), which complements existing conservation programs by helping communities and tribes identify, purchase, and manage locally important forestlands that are threatened with development. These community forests can be tailored to local needs, from timber revenue for municipal or county budgets to recreation access and outdoor education. Every federal dollar from CFP is evenly matched by funding from state, local, and private sources. The Forest Service has now approved 27 grants in 15 states for innovative local and tribal projects, and the program has generated significant interest from local entities concerned about the future of their close-to-home forests. Given the strong interest in community forests from coast to coast, we urge you to include \$5 million in the FY 2017 bill for this innovative conservation tool.

**Wildfire Disaster Funding Act** - We also support efforts to improve budgeting for forest fire management that will provide federal agencies the means to fight fires without raiding other important federal programs, like LWCF. America's forests and forest-dependent communities are at risk from outbreaks of pests and pathogens, persistent drought, and the buildup of hazardous fuels. Urbanization and development patterns are placing more homes and communities near fire-prone landscapes, leading to more destructive and costly wildfires. Unfortunately and again in FY 2015, the ten-year average was not enough to meet the USFS suppression needs, forcing the agency to transfer \$700 million from non-suppression accounts to make up for the shortfall. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management, among many other activities. Additionally, the increasing ten-year average has not met annual suppression needs since before FY 2002, which is why we are thankful to the Subcommittee for the full transfer repayment and increased suppression funding in FY 2016. However, we understand this is not expected to occur every year. DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets.

We appreciate the Subcommittee's support of the bipartisan Wildfire Disaster Funding Act, which addresses federal fire funding challenges as well as other bipartisan Congressional efforts in this regard. We respectfully request a bipartisan fire funding solution that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

The programs highlighted here are critical to the future of conservation at the local, state and federal levels; reflect the continued demand on the part of the American people for access to outdoor recreation; and help sustain our economy and reflect the true partnership that exists in federal conservation efforts. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these programs and urge you to maintain robust funding for them in the FY 2017 Interior, Environment and Related Agencies bill. Thank you for your help and support, and for your consideration of our requests.



**Written Statement of Alan Rowsome**

Senior Director of Government Relations for Lands at The Wilderness Society  
 Before the U.S. House of Representatives Committee on Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies  
 Regarding the FY 2017 Interior and Related Agencies Appropriations Bill  
 March 22, 2016

The Wilderness Society (TWS) represents more than 700,000 members and supporters who share our mission to protect wilderness and inspire Americans to care for our wild places. When deciding on funding that affects hundreds of millions of Americans, we urge you to take into account the full economic, social, environmental and cultural value of the many programs overseen by our land management agencies.

Additionally, we urge that in crafting the Interior and Environment Appropriation bill you avoid harmful policy riders that damage our land, air, water and wildlife. Must-pass appropriations legislation is not the appropriate venue for unpopular policy provisions which undermine bedrock environmental laws like the Wilderness Act, Antiquities Act and Land and Water Conservation Fund Act. The laudable goal of returning to regular order on appropriations must not continue to be undermined by the attempted inclusion of harmful policy riders which would damage the environmental protections all Americans value. Their inclusion only serves to further compromise an already challenging appropriations process.

Prudent investments in critical conservation programs will provide jobs and protect the health and economic wellbeing of local communities. We urge bold action in support of conservation funding for Fiscal Year 2017. Specifically, TWS recommends:

**Wilderness Management**

America's National Wilderness Preservation System, now over 50 years old, is suffering from a serious lack of funding. Trail maintenance, law enforcement, monitoring, and user education have been significantly underfunded, leading to an erosion of wilderness values and a diminution of the experience for visitors. We recommend that funding for agency wilderness management accounts be restored to support much needed trails maintenance, update signage, fight invasive species, restore watersheds, and monitor effects of climate change, among other critical needs. Specifically, we recommend:

- **Bureau of Land Management (BLM) Wilderness**

*TWS supports restoring BLM Wilderness funding to the FY11 level of \$19.663 million. The FY17 budget proposal of \$18.392 million for BLM wilderness management is strong, but still 6% lower than the FY11 enacted level. To just keep the FY11 level on pace with inflation the FY17 request would need to be \$20.830 million.*

- **Forest Service Recreation, Wilderness and Heritage**

*We urge Congress to support wilderness and recreation by restoring funding to the FY10 level of \$285.1 million for the Recreation, Heritage and Wilderness Program. Recreation*

is the most ubiquitous use of our forest lands, and accounts for more than half of all job and income effects attributable to Forest Service programs (over 190,000 jobs and \$11 billion in spending effects by visitors).

### **Land and Water Conservation Fund**

Having recently celebrated its 50<sup>th</sup> Anniversary year and been reauthorized until 2018, LWCF remains the premier federal program to conserve our nation's land, water, historic, and recreation heritage. It is a critical tool to protect national parks, national wildlife refuges, national forests, BLM lands, and other federal areas. The companion LWCF state grants program provides crucial support for state and local parks, recreational facilities, and trail corridors. LWCF also funds two other important state grant programs – the Forest Legacy Program and Cooperative Endangered Species programs – that ensure permanent conservation of important forest lands and threatened and endangered species' habitat, as well as important wildlife and recreational habitat and ensures that public lands stay public for hunters, anglers, and other outdoor recreationists for generations to come.

- *TWS strongly supports fully funding LWCF at the proposed \$900 million, with a discretionary funding level of \$475 million. Full funding for LWCF will allow land management agencies to manage our public lands more efficiently and cost-effectively. This is in part achieved through strategic inholdings acquisition which reduces internal boundary line surveying, right-of-way conflicts and special use permits.*

### **Sage Grouse Initiative**

If successful, implementation of the sage-grouse conservation strategy will lead to recovery of this important western game species without the necessity of a listing under the Endangered Species Act.

- *The Wilderness Society supports the administration's \$89.7 million request to conserve and restore sage steppe habitat.*

### **BLM Onshore Oil and Gas Policy**

The BLM is implementing important management reforms of its oil and gas program that is leading toward a better balance between oil and gas development on public lands and the protection of the numerous natural resource values that were put at risk by previous policies. It will also lead to federal lands that are fully and fairly valued for the American people. TWS supports the following Administration-proposed reforms of the BLM's oil and gas program:

- *A fee on onshore federal operators to provide for a \$48 million per year inspection and enforcement program to implement recommendations made by the GAO*
- *An increase of \$5.8 million in BLM to accelerate development and completion of Master Leasing Plans to ensure proper planning and conservation during siting and development of oil and gas wells*
- *An increase of \$13.1 million to enact and implement important revenue and environmental regulations including:*
  - *Royalty reforms and improve revenue collection process to ensure that resources on federal lands are fully and fairly valued and delivering fair taxpayer returns*
  - *Regulations to reduce natural gas waste from wells on federal and tribal lands*
  - *Implementation of regulations concerning hydraulic fracturing on federal and tribal lands*

- *An increase of \$2.1 million in BLM to strengthen and increase efficiency for oversight of oil and gas permitting through the Advanced Fluid Minerals Support System (AFMSS)*
- *An increase of \$2.6 million to retain and staff positions in the oil and gas program to ensure safe and responsible development in the right places*

TWS is also urging more funding for implementation and planning regarding ongoing and new Master Leasing Plans to ensure that any time development occurs, conservation is considered as part of the larger planning efforts.

#### **BLM's National Landscape Conservation System**

The National Landscape Conservation System (Conservation Lands) comprises over 30 million acres of congressionally and presidentially designated lands and waters, including National Monuments, National Conservation Areas, Wilderness Areas and other designations. Stewardship of the Conservation Lands provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. The Conservation Lands provide immeasurable public values from modest investments: outstanding recreational opportunities, wildlife habitat, clean water, wilderness, and open space near cities.

- *TWS strongly supports the Administration's FY 2017 recommendation of \$83.122 million. This is a strong funding proposal for the Conservation Lands, and will help promote the natural, cultural, and historical resource protection provided by the NLCS for the American public.*

#### **Renewable Energy**

TWS is a strong proponent of transitioning our country to a clean energy economy by developing our renewable energy resources responsibly. We believe renewable energy is an appropriate and necessary use of public lands when sited in areas screened for habitat, resource, and cultural conflicts. Identifying and avoiding conflicts early helps ensure projects are permitted faster with limited impact on wildlands. TWS hopes the Department will continue to support a program that ensures our public lands play an important role in supporting renewable energy infrastructure through environmental review, suitability screening, and energy zone identification to find suitable places for renewable energy projects. Specifically we would like to see:

- *Increased funding for renewable energy programs across Interior from FY 16 enacted, up to \$110.4 million total. This increase would enhance training opportunities for staff to fully implement the proposed wind and solar leasing rulemaking and mitigation strategies as directed in the Western Solar Plan.*

#### **BLM's Federal Coal Program**

The BLM is commencing a long-term review of the federal coal program. For too long, the coal program has been plagued by a lack of transparency, an outdated perception of energy responsibility, an unfair return to taxpayers and a lack of consideration of federal coal's contribution to global climate change. By starting this review, the BLM can ensure that the American people are selling their resources at fair prices in the right ways, while understanding how the program affects the climate. TWS supports the Administration's comprehensive review of the BLM's federal coal program and will be working to ensure that a future coal program corrects the inadequacies of the current model and that the federal coal program is fit for the 21<sup>st</sup> century vision of energy development on federal lands.

### **Implementation of Landscape Level Management**

The Wilderness Society supports the Department of Interior's philosophy of looking at development on a landscape level with proper mitigation policies. The recently released draft of the Desert Renewable Energy Conservation Plan in the California Desert is a prime example.

- *It is crucial that the Department is fully funded to put in place processes that designate areas for energy development, both traditional and renewable, at the same time setting aside important areas for wildlife, cultural, and recreational values.*

### **Legacy Roads and Trails**

The Legacy Roads and Trails (LRT) program provides the Forest Service essential funding to restore watersheds, improve recreational access, protect aquatic species and advance collaborative restoration projects. LRT funding was slashed 50% in FY11 and 22% in FY14. Given the recent evaluation of the Integrated Resource Restoration (IRR) program we recommend that LRT be removed from IRR, to enable it to operate as a complementary program to IRR, similar to CFLR. We also do not recommend that the IRR pilot program be expanded until the test regions have proven that IRR can improve restoration without a loss of transparency and accountability. Specifically, TWS recommends:

- *Funding Legacy Roads and Trails at \$50 million, distinct from IRR.*

### **Forest Service Planning**

The Land Management Planning Program funds amendments and revisions to Land Management Plans, the overarching documents that guide the management of individual forests and grasslands. By providing adequate and consistent funding we advance plans and projects, avoid bad decision-making and unnecessary costs, and reduce risks to water quality and quantity, wildlife, and recreation.

- *We support funding USFS Land Management Planning at the running 10-year average of \$45,712,600.*

### **National Forest Trails**

There are 158,000 miles of trails in the National Forest System. These trails provide 50 million visitor days of cross-country skiing, hiking, horseback riding, mountain biking, and off-road vehicle use each year. Annual visitor days have grown 376% since 1977, and the total mileage of trails has grown 56.9% to accommodate this use. Unfortunately, the trails maintenance and reconstruction line item has remained essentially flat since 1980, after adjusting for inflation. In FY15 the trails budget was cut 9% compared to FY10, despite the fact that GAO has reported a \$500 million trail maintenance backlog. Currently, the Forest Service is only able to maintain a quarter of its trail miles to a minimum standard condition.

- *We urge Congress to fund Capital Improvement and Maintenance Trails at its FY2010 level of \$85,381,000 in FY 2017.*

### **National Wildlife Refuge System**

The National Wildlife Refuge System is the only federal conservation system with a mission that prioritizes wildlife and habitat conservation alongside wildlife-dependent recreation.

- *We urge the Committee to provide a funding level of \$506.6 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2017.*



# THE WILDLIFE SOCIETY

*Leaders in Wildlife Science, Management and Conservation*

Date: 23 March 2016

Submitted to: House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Submitted by: Byron Ken Williams, PhD, CWB®  
Chief Executive Officer, The Wildlife Society  
425 Barlow Place, Suite 200, Bethesda, MD 20814

Re: FY 2017 Appropriations for FWS, BLM, USGS, and USFS

POC: Keith Norris, AWB®, [keith.norris@wildlife.org](mailto:keith.norris@wildlife.org)  
Director of Government Affairs and Partnerships, The Wildlife Society

The Wildlife Society appreciates the opportunity to provide testimony concerning the FY 2017 budgets for the **U.S. Fish and Wildlife Service (FWS)**, **Bureau of Land Management (BLM)**, **U.S. Geological Survey (USGS)**, and **U.S. Forest Service (USFS)**. The Wildlife Society was founded in 1937 and is an international non-profit scientific and educational association representing nearly 10,000 professional wildlife biologists and managers. Our mission is to inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitats through science-based management and conservation. We respectfully request the following programmatic funding in FY 2017 to ensure that the federal budget supports the important work wildlife professionals do to manage and conserve our nation's wildlife resources.

## **U.S. Fish and Wildlife Service**

The **State and Tribal Wildlife Grants Program (SWG)** has been the nation's *core* program for preventing wildlife from becoming endangered since 2001. SWG provides federal funding assistance to state and tribal wildlife agencies for implementing on-the-ground conservation programs designed to ensure the sustainability of our fish and wildlife resources. In order to receive federal funds through SWG, each state and territory must develop a **Wildlife Action Plan** that examines the health of wildlife, identifies issues of conservation concern, and prescribes actions needed to conserve more than 12,000 at-risk species and their vital habitats. These action plans encourage multi-partner projects, have high accountability, and require matching-funds from states. As the only federal program focused on keeping common species common, SWG alleviates the need to add more species to the federal Endangered Species List; thereby saving taxpayer dollars and reducing regulatory uncertainty for businesses. Recent successes of SWG include the New England cottontail rabbit and greater sage-grouse. **The Wildlife Society strongly recommends that Congress increase funding for State and Tribal Wildlife Grants to at least \$67 million in FY 2017, as per the Agency's request.**

Previous budget reductions in SWG, though, have not allowed this highly successful program to reach its full potential. A March 2016 report from the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources* highlights the nation's need for immediate and

robust long-term investment in science-based management, and recommends that Congress dedicate \$1.3 billion annually to ensure the effective implementation of all Wildlife Action Plans. As a leading member of *Teaming With Wildlife*, a multidisciplinary, bipartisan coalition of more than 6,400 organizations supporting reliable fish and wildlife conservation funding, The Wildlife Society encourages Congress to consider the legislative solutions presented by this diverse and distinguished panel.

As a member of the *Cooperative Alliance for Refuge Enhancement (CARE)*, **The Wildlife Society supports the President's request for the National Wildlife Refuge System's operations and maintenance accounts at \$506.6 million for FY 2017.** CARE estimates that the Refuge System needs at least \$900 million in annual operations and maintenance funding to properly administer its 562 refuges and 38 wetland management districts spanning over 150 million acres. At its highest funding level in FY 2010, the Refuge System received only \$503 million—little more than half the needed amount. Without adequate funding, habitats are not restored, invasive species are left unchecked, poaching and other illegal activities occur, and our nation's wildlife suffers. Moreover, since 2009, the National Wildlife Refuge System has lost over 500 employees (1/7 of all staff), despite generating approximately \$4.87 in economic activity for every \$1 appropriated by Congress. **The Wildlife Society also supports the U.S. Fish and Wildlife Service Resource Protection Act**, which would remove taxpayer responsibility for damage deliberately caused by a third party within the National Wildlife Refuge System by justly attributing those damages to the guilty party.

The **North American Wetlands Conservation Act** is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in maintaining and restoring wetlands, waterfowl, and other migratory bird populations. This program has remained drastically underfunded despite its demonstrated effectiveness. **We support the Agency's request of \$35.1 million and encourage Congress to match this request for FY 2017.**

The **Neotropical Migratory Bird Conservation Act (NMBCA) Grants Program** supports partnership programs to conserve birds in the U.S., Latin America, and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. Reauthorization for appropriations has expired under NMBCA, but the Agency recommends funding the program at \$3.9 million for FY 2017 as a sub-account of the Multinational Species Conservation Fund. **The Wildlife Society supports this funding, and recommends that Congress reauthorize NMBCA at \$6.5 million annually to achieve maximum conservation results under the program.**

Through the **Ecological Services Program**, FWS partners with federal/state agencies, tribes, local governments, the business community, and private citizens, to help identify species on the verge of extinction and reduce threats to their survival so that they can be removed from federal protection. FWS is working to implement new strategies to increase the efficiency and effectiveness of the Ecological Services Program and to reduce the regulatory burden on private landowners and industry partners. To support these actions, and the increased emphasis on consultation and recovery, we recommend Congress **match the Agency's request and provide \$23 million for Listing, \$105.7 million for Planning and Consultation, \$34.6 million for Conservation and Restoration, and \$89.2 million for Recovery in FY 2017.**

Through its **International Affairs office**, FWS works with many partners and countries in the implementation of international treaties, conventions, and projects for the conservation of wildlife species and their habitats. Careful regulation of imports and implementation of international policies is an important task, and represents our first line of defense against the introduction of threats like the potentially devastating infectious wildlife disease *Bsal*, which threatens the integrity of our diverse and important native salamander populations. We ask Congress to **match the Agency's request of \$15.8 million in support of FWS International Affairs in FY 2017.**

#### **Bureau of Land Management**

Historically, the **Wildlife and Fisheries Management (WFM)** and the **Threatened and Endangered Species Management (TESM)** programs have been forced to pay for the compliance activities of BLM's energy, grazing, and other non-wildlife related programs, eroding both their ability to conduct proactive conservation activities and their efforts to recover listed species. In order to allow BLM to effectively maintain and restore wildlife and habitat amidst the tremendous expansion of energy development across the BLM landscape, **we recommend Congress appropriate \$108.7 million for BLM Wildlife Management within WFM in FY 2017. We also support the proposed increase of \$14.2 million for greater sage-grouse conservation;** this kind of broad-scale conservation is necessary to manage/conservate greater sage-grouse across their entire range.

To allow BLM to meet its responsibilities in endangered species recovery plans, the **Threatened and Endangered Species Management Program (TESM)**, also needs increased funding. BLM's March 2001 Report to Congress called for a doubling of the Threatened and Endangered Species budget to \$48 million and an additional 70 staff positions over 5 years. Now, over a decade later, this goal has yet to be met. In light of this, **we strongly encourage Congress to increase overall funding for TESM to \$48 million in FY 2017.**

The Wildlife Society, leader of the *National Horse and Burro Rangeland Management Coalition*, appreciates the commitment of BLM to addressing the problems associated with **Wild Horse and Burro Management**. The Wildlife Society also thanks Congress for the much needed increase in funding for FY 2016 for continued research and development on contraception and population control. The Wildlife Society, however, remains concerned about BLM's emphasis on fertility control alone. Horses and burros currently exceed the BLM's estimated threshold of ecological sustainability by more than 31,000—over twice BLM's Appropriate Management Level. With nearly 50,000 additional horses living in federal off-site long- and short-term holding facilities, ***The Wildlife Society believes the current language limiting the use of humane euthanasia for unwanted or unadoptable horses should be removed.*** BLM needs to use *all* necessary management tools to bring populations of on- and off-range wild horses and burros within manageable levels. **Therefore, The Wildlife Society supports the Agency's request of \$80.1 million for Wild Horse and Burro Management, provided that BLM remove excess horses from the range at a reasonable rate and focus additional resources on habitat restoration to correct the habitat damage caused by these animals.**

### U.S. Geological Survey

The basic, objective, and interdisciplinary scientific research that is supported by USGS is necessary for understanding the complex environmental issues facing our nation today. The **Ecosystems Department** of USGS contains programmatic resources for fisheries, wildlife, environments, invasive species, and **Cooperative Research Units (CRU)**. The Ecosystems program strives to maximize research and support for comprehensive biological and ecosystem based needs. **The Wildlife Society supports the Agency's request of \$174 million for USGS's Ecosystems Department in FY 2017.** Furthermore, within the Ecosystems Department, **we support the specific request of at least \$18.2 million for the underfunded CRU program,** which leverages federal, state, non-governmental organizations, and academic partnerships to provide actionable science that supports management of wildlife and fisheries resources.

The **National Climate Change and Wildlife Science Center** plays a pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support. In order for this role to be fully realized, **we recommend that Congress fund the National Climate Change and Wildlife Science Center at the requested \$31 million in FY 2017.**

### U.S. Forest Service

Current mechanisms for calculating USFS appropriations have resulted in funding shortfalls for proactive wildland fire and fuel management practices, thereby leading to more destructive and costly wildfires. The traditional ten-year moving average for forecasting fire suppression costs for the upcoming fiscal year, has not met USFS suppression needs since FY 2002. In FY 2015, USFS was forced to transfer \$700 million from non-suppression accounts to make up for the emergency fire suppression deficit. This has negatively impacted the ability of USFS to implement proactive forest research and management projects and has resulted in the loss of 40% of non-fire related USFS professionals. We are thankful to Congress for the full transfer repayment and increased suppression funding in FY 2016. However, we understand this is not expected to occur every year. DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets. Therefore, we support bipartisan Congressional efforts, like the *Wildfire Disaster Funding Act*, to address federal fire funding challenges, minimize fund transfers, and address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

For the FY 2017 budget, USFS will transition from Integrated Resource Restoration back to a more traditional budget structure with separate line items, including Vegetation and Watershed Management, **Wildlife and Fisheries Habitat Management**, and Forest Products. We support this change for the accountability it provides Congress, and **support the request of \$140.5 million for Wildlife and Fisheries Habitat Management in FY 2017.**

Integral to management of our natural resources is a deep understanding of the biological and geological forces that shape the land and its wildlife and plant communities. The research being done by the USFS is at the forefront of science, and essential to improving the health of our nation's forests and grasslands. **We urge Congress to at minimum match the Agency's request of \$292 million in FY 2017 for Forest and Rangelands** to support this high-quality research.



Written Statement of  
Theatre Communications Group  
Submitted March 23, 2016  
Subcommittee on Interior, Environment, and Related Agencies  
Committee on Appropriations | United States House of Representatives  
The Importance of Federal Funding for the National Endowment for the Arts (NEA)

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Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group—the national service organization for the American theatre—is grateful for this opportunity to submit testimony on behalf of our 522 not-for-profit member theatres across the country and the nearly 33 million audience members that the theatre community serves. **We urge you to support funding at \$155 million for the National Endowment for the Arts for FY17.**

The entire not-for-profit arts industry stimulates the economy, creates jobs and attracts tourism dollars. The not-for-profit arts generate \$135.2 billion annually in economic activity, support 4.13 million jobs, and return \$22.3 billion in government revenue. Art museums, exhibits, and festivals combine with performances of theatre, dance, opera, and music to draw tourists and their consumer dollars to communities nationwide. Federal funding for the arts creates a significant return, generating many more dollars in matching funds for each federal dollar awarded, and is clearly an investment in the economic health of America. In an economy where corporate donations and foundation grants to the arts are diminished and increased ticket prices would undermine efforts to broaden and diversify audiences, these federal funds simply cannot be replaced. Maintaining the strength of the not-for-profit sector, along with the commercial sector, is vital to supporting the economic health of our nation.

Our country's not-for-profit theatres develop innovative educational activities and outreach programs, providing millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing problem-solving, reasoning, and communication abilities—preparing today's students to become tomorrow's citizens. Our theatres present new works and serve as catalysts for economic growth in their local communities. These theatres also nurture and provide artistic homes for the development of the current generation of acclaimed writers, actors, directors, and designers working in regional theatre, on Broadway, and in the film and television industries. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times and producing work that reflects and celebrates the strength of our nation's diversity.

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**Here are some recent examples of NEA grants and their impact:**

The NEA awarded a \$35,000 Art Works grant to support the development and production of Seattle-based **ACT Theatre's** *Tale of the Heike*, a devised work based on a 13<sup>th</sup>-century Japanese epic poem about the struggle between the Taira and Minamoto clans for control of Ancient Japan. Commissioned playwrights Philip Kan Gotanda and Yussef El Guindi have begun revising and shaping their script based in part on a recent week-long workshop at the University of Washington School of Drama with director Kurt Beattie and dramaturg Mott Greene. Far more than a theatrical production, *Heike* will be part of a yearlong, citywide program of cultural events and fairs to celebrate Japanese culture and literary heritage in 2017, produced in partnership with the Japan Arts Connection Lab, the Japanese Garden, the Seattle International Film Festival, the Seattle Public Library, and the Seattle Art Museum. ACT Theatre anticipates approximately 35 performances of *Tale of the Heike*, which, considering both the performances and related interdisciplinary immersion programming events, will serve approximately 145,000 people.

**Cleveland Play House (CPH)** will devote its recently awarded \$20,000 NEA grant funds to aid the development and premiere of *The Good Peaches*, written by Pulitzer Prize winner Quiara Alegria Hudes, directed by CPH Artistic Director Laura Kepley, and conducted by Cleveland Orchestra Associate Conductor Brett Mitchell. The work explores topical political and social issues through an adventure journey parable that features orchestral elements in its depiction of a woman who survives a confrontation with the forces of nature. A multiplicity of voices and spiritualities are represented, drawing on Hudes' diverse inspirations of classical, jazz, and world music; world religions; and her expression of the universal themes of change and justice. *The Good Peaches* marks CPH's third collaboration with The Cleveland Orchestra and will be part of the theatre's 2016 New Ground Theatre Festival, an annual showcase of new works. Approximately 1,500 patrons will enjoy three performances April 14-16, with additional activities to potentially include behind-the-scenes events, pre-show conversations, talkbacks with artists, and master classes.

Thanks in part to a \$20,000 Art Works grant, St. Paul, Minneapolis's **Penumbra Theatre Company** will present a production of *Sunset Baby*, by Dominique Morisseau. The play, to be directed by Penumbra Founder and Co-Artistic Director Lou Bellamy, explores the legacy of the revolutionary Black Power movement through the eyes of various generations, probes the ways in which the spirit of cultural revolutions can undergo drastic change over time, and investigates the media's role in representing figures of controversy who deeply affect their societies. The company will augment the production, which will run for 26 performances from April 16 through May 8, with contextual materials and audience engagement activities that explore issues of race and social justice. As many as 4,500 individuals along with 900 participants will be reached through education and outreach efforts. Study guides; classroom discussions; post-performance conversations; and discussions with former Panther Party members, including Erika



Theatre  
Communications  
Group

Huggins and Co-Founder Bobby Seale, will be among these offerings and will provide forums for vibrant conversation.

**Contemporary American Theater Festival** at Shepherd University in West Virginia was awarded \$20,000 via an NEA Art Works grant to support the development and premiere of *The Wedding Gift*, by Chisa Hutchinson. This fantastical play takes place in an imaginary universe in which the population treats humans as animals to be domesticated and for which Hutchinson has created her own language and culture. The piece will be a theatrical spectacular: an assault on recurrent racism in the United States that uses both humor and pathos to explore what it means to be an outsider. Along with the four-week rehearsal process with the playwright in residence and four-week performance run in the Festival's 416-seat Frank Center theatre, expanded audience enrichment opportunities with lectures and discussions led by scholars, artist/audience conversations, and essays and artwork curated to coincide with the play's concept will carry the themes of the work beyond the stage and into the community, reaching at least 4,000 patrons through the production's 15 performances and related events.

These are only a few examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. Indeed, the Endowment's Theatre Program is able to fund only 50% of the applications it receives, so 50% of applying theatres are turned away because available funds are insufficient. Theatre Communications Group urges you to support a funding level of \$155 million for FY17 for the NEA; to maintain citizen access to the cultural, educational, and economic benefits of the arts; and to advance creativity and innovation in communities across the United States.

The arts infrastructure of the United States is critical to the nation's well-being and economic vitality. It is supported by a remarkable combination of government, business, foundation, and individual donors and represents a striking example of federal/state/private partnership. Federal support for the arts provides a measure of stability for arts programs nationwide and is critical at a time when other sources of funding are diminished. Further, the American public favors spending federal tax dollars in support of the arts. The NEA was funded at \$148 million in the FY16 budget; however, it has never recovered from a 40% budget cut in FY96, and its programs are still under-funded. We urge the subcommittee to fund the NEA at a level of \$155 million to preserve the important cultural programs reaching Americans across the country.

Thank you for considering this request.

# UNITED HOUMA NATION



Written Testimony of Principal Chief Thomas Dardar, Jr.  
 United Houma Nation of Louisiana  
 Submitted to the U.S. House of Representatives, Committee on Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies  
 March 23, 2016

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***Bureau of Indian Affairs (BIA) Office of Federal Acknowledgement:*** The United Houma Nation of Louisiana respectfully ask that the Subcommittee does not include language prohibiting the implementation of the June 2015 Final Rule reforming the federal acknowledgement process in the Fiscal Year 2017 Interior and Environment Appropriations bill.

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The United Houma Nation is a state-recognized tribe of approximately 17,000 tribal members predominately residing in a six parish service area along the southeastern coast of Louisiana. The Tribe has been in the Bureau of Indian Affairs' federal acknowledgment process for over 35 years and our petition is still not resolved.

After decades of congressional hearings and reports detailing the extensive problems with the federal acknowledgement process, the Department of the Interior committed itself to revising the process in 2009. Following several years of extensive outreach across the United States to all interested parties, the Department published revised federal acknowledgement regulations in June 2015. The United Houma Nation welcomed the new regulations and is currently in the process of petitioning under the new regulations.

Unfortunately, the italicized language below, which prohibits the implementation of the revised regulations, was included in the House Committee on Appropriations Fiscal Year 2016 Interior and Environment Bill.

*"Provided further, That none of the funds made available by this or any other Act may be used by the Secretary to finalize, implement, administer, or enforce the proposed rule entitled 'Federal Acknowledgement of American Indian Tribes' published by the Department of the Interior in the Federal Register on May 29, 2014 (79 Fed. Reg. 30766 et seq.)."*

While this language was not enacted, the United Houma Nation is concerned that similar language may be included in the Fiscal Year 2017 bill. Therefore, we kindly ask that the Subcommittee ensure that such damaging language is not included in the Fiscal Year 2017 Interior and Environment appropriations bill. Thank you for your consideration of this request.

# USGS COALITION

Testimony of the USGS Coalition

Elizabeth Duffy, Co-Chair

Julie Palakovich Carr, Co-Chair

Regarding the U.S. Geological Survey FY 2017 Budget

To the

House Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies

March 21, 2016

The USGS Coalition appreciates the opportunity to provide testimony about the fiscal year (FY) 2017 budget for the United States Geological Survey (USGS). The USGS Coalition supports the Administration's budget request of **\$1.2 billion for the USGS**. The requested funding would allow the agency, by advancing scientific discovery and innovation, to sustain current efforts and make strategic investments that will produce the impartial knowledge and decision support tools needed by decision-makers across the country.

Few modern problems can be addressed by a single scientific discipline. The USGS is uniquely positioned to provide information and inform responses to many of the nation's greatest challenges. The USGS is an agency that has a unique capacity to deploy truly interdisciplinary teams of experts to gather data, conduct research, and develop integrated decision support tools that improve ecosystem management, ensure accurate assessments of our water quality and quantity, reduce risks from natural and human-induced hazards, deliver timely assessments of mineral and energy resources, and provide emergency responders with accurate geospatial data and maps.

*The USGS Coalition is an alliance of over 70 organizations united by a commitment to the continued vitality of the United States Geological Survey to provide critical data and services. The Coalition supports increased federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security, and prosperity of the nation.*

## **Essential Services for the Nation**

Established by Congress as a branch of the Department of the Interior in 1879, the United States Geological Survey has a national mission that extends beyond the boundaries of the nation's public lands to positively impact the lives of all Americans. The agency plays a crucial role in protecting the public from natural hazards, assessing water quality and quantity, providing geospatial data, and conducting the science necessary to manage our nation's biological, mineral,

and energy resources. Through its offices across the country, the USGS works with partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples of the USGS' valuable work are provided below.

The USGS plays an important role in reducing risks from natural hazards that jeopardize human lives and result in billions of dollars in damages annually. Seismic networks and hazard analysis are used to formulate earthquake probabilities and to establish building codes. The continued efforts on an earthquake early warning system, ShakeAlert, can provide advance notice of ground shaking from an earthquake to allow for the protection of life and property. USGS volcano monitoring provides warnings to aviation officials about impending eruptions. Data from the USGS network of streamgages enable the National Weather Service to issue flood and drought warnings. The bureau and its federal partners map seasonal wildfires and assess the potential spread of fires.

The Survey collects scientific information on water availability and quality to inform the public and decision-makers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at over 21,000 sites, water-level data at over 1,000,000 wells, and chemical data at over 338,000 surface-water and groundwater sites. This information is needed to effectively manage freshwaters – both above and below the land surface – for domestic, public, agricultural, commercial, industrial, recreational, and ecological purposes.

USGS assessments of mineral and energy resources – including rare earth elements, coal, oil, unconventional natural gas, and geothermal – are essential for making decisions about the nation's future. The Survey identifies the location and quantity of domestic mineral and energy resources, and assesses the economic and environmental effects of resource extraction and use. The agency is mapping domestic supplies of rare earth elements necessary for widespread deployment of new energy technologies, which can reduce dependence on foreign oil. The USGS is the sole federal source of information on mineral potential, production, and consumption.

USGS science plays a critical role in informing sound management of natural resources on federal and state lands. The USGS conducts research and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use. Ecosystems science is also used to control invasive species and wildlife diseases that can cause billions of dollars in economic losses. The Survey provides information for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources in the face of environmental change.

Research conducted by the USGS is vital to predicting the impacts of land use and climate change on water resources, wildfires, and ecosystems. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, allowing for access to current and historical images that are used to assess the impact of natural disasters and monitor global agriculture production. The USGS also assesses the nation's potential for carbon sequestration.

Other Interior bureaus use USGS research on how climate variability affects fish, wildlife, and ecological processes to inform natural resource management decisions.

### **Funding**

Over the years, Congress has worked in a bipartisan fashion to provide essential funding to the USGS. These efforts have paid dividends and helped the USGS provide answers to the challenging questions facing decision-makers across the country.

The funding level proposed for FY 2017 for the USGS would allow the agency to invest in mission critical areas, including:

- Support for development of the Landsat 9 ground system;
- Development of methods to assess regional and national water use trends during drought;
- New research on native pollinators, which are essential to our nation's agricultural and natural systems;
- Establishment of a real-time water quality monitoring capabilities along the Northeast Coast to further a prototype contaminant detection network;
- Improvement of earthquake monitoring in the Central and Eastern U.S.;
- Development of new tools to detect and control new and emerging invasive species;
- Establishment of a new Great Lakes Climate Science Center to improve research in this distinctive region;
- Accelerate assessments of domestic unconventional oil and gas resources;
- Expand use of rapid deployable streamgages to improve data collection during floods;
- Enhanced research in the Arctic on sea-level rise, severe storms, and/or melting permafrost; and
- Provide support for 3DEP to provide lidar coverage for the country and increased support for topographical mapping for the United States.

We are also pleased to see the proposed increases for Core Science Systems, Science Support, and facilities. These parts of the USGS budget are essential to the success of scientific research and monitoring conducted by other programs in the bureau. All three budget lines were lower in FY 2016 than they were in FY 2011. Currently, the USGS is faced with approximately \$400 million in deferred maintenance to facilities and research centers. Continued deferment is creating situations in which one-of-a-kind and mission critical samples and data are being lost.

Through careful management and deferring staff travel and training, the USGS has survived the recent budget cuts resulting from sequestration. Staff training and participation in scientific meetings, however, are necessary investments that help USGS maintain its technical capacity. It is through exchanges at scientific meetings and workshops that new ideas emerge and scientific analyses are shared, challenged by colleagues, and honed prior to submitting research for publication in peer-reviewed journals. We encourage Congress to work with the USGS to ensure that scientists are able to fully participate in scientific meetings.

As a science agency, much of the USGS budget is dedicated to salaries and equipment that must be maintained and updated to ensure the continuity of data acquisition and that the data gathered

are reliable and available for future scientific investigations. We believe that the leadership of the USGS is doing all it can, and has been for a number of years, to contain costs while continuing to deliver high quality science.

**Conclusion**

We recognize the financial challenges facing the nation, but losing irreplaceable data can increase costs to society today and in the future. Data not collected and analyzed today is data lost forever. This is particularly significant for environmental monitoring systems, where the loss of a year's data can limit the scope and reliability of long-term dataset analysis. The USGS Coalition requests that Congress work to provide \$1.2 billion for FY 2017.

The USGS Coalition appreciates the subcommittee's past leadership in strengthening the United States Geological Survey. Thank you for your thoughtful consideration of this request.

**Written Testimony of James D. Ogsbury, Executive Director  
Western Governors' Association**

**Submitted on March 17, 2016 to the  
United States House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies**

**Regarding Fiscal Year 2017 Appropriations for the  
Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park  
Service (NPS), U.S. Forest Service (USFS) and Environmental Protection Agency (EPA)**

Mr. Chairman and Members of the Subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide written testimony on the appropriations and activities of the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), U.S. Forest Service (USFS) and Environmental Protection Agency (EPA). My name is James D. Ogsbury and I am the Association's Executive Director. WGA is an independent, non-partisan organization representing the Governors of 19 Western states and 3 U.S.-flag islands.

The agencies within the Subcommittee's jurisdiction wield significant influence over vast areas of the American West, as 94 percent of all federal lands are situated in the western states and the federal government owns over 46 percent of the land within active WGA states. The work of this Subcommittee is of vital importance to Western Governors, as it helps establish how these lands are managed and how federal agencies interact with other levels of government and the public.

Western Governors recognize that there is a certain tension between state and federal governments, one that is embedded in the very fabric of our Constitution. It is equally clear that these different layers of government must have a close and productive working relationship if our citizens are to prosper and thrive. Western Governors believe that such cooperation is only possible when states are regarded as full and equal partners with the federal government.

The promotion of greater partnership between states and the federal government is central to the mission of WGA and represents a key theme of the WGA Species Conservation and Endangered Species Act Initiative, a signature project of the Association's Chairman, Governor Matt Mead of Wyoming. The goal of wildlife conservation is essential to preserving the heritage of the West. This is possible only through the cooperative efforts of state and federal officials across multiple disciplines, including data sharing and species management.

For the past three years, the Subcommittee has adopted report language directing federal land managers to use state fish and wildlife data and analyses as principal sources to inform land use, land planning and related natural resource decisions. Western Governors are deeply appreciative of your assistance in encouraging a positive relationship between the states and the federal government in the use of wildlife data. Federal managers need data-driven science, mapping and analyses to effectively manage wildlife species and habitat, and in many cases states generate the best available wildlife science.

This direction from the Subcommittee is having a positive effect with federal agencies. For example, in their recent rulemaking on Endangered and Threatened Wildlife and Plants: Revisions to the Regulations for Petitions [80 FR 29286, May 21, 2015], FWS and the National Marine Fisheries Service recognized the important role of state data and proposed common-sense process reforms. Western Governors view this progress as a direct result of the Subcommittee's efforts to urge federal agencies to use state data, and are grateful for your steadfast commitment to this principle. With this encouraging progress, WGA urges you to maintain this position and reiterate it in your Fiscal Year 2017 report.

Remaining on the topic of species conservation, Western states routinely invest enormous amounts of time, money and manpower in the management of wildlife and habitat conservation. It is appropriate for federal agencies to provide sufficient resources for species protection, particularly on federal lands. When federal lands are inadequately managed, state and local efforts to protect habitat and species will not be sufficient to assure the success of species. Federal agencies must demonstrate their commitment to species preservation and recovery by committing sufficient funding for conservation efforts on federal lands, and Western Governors encourage you to adequately fund these habitat management activities.

Western Governors believe that states should be full and equal partners in the implementation of the Endangered Species Act (ESA) and should have the opportunity to participate in pre-listing and post-listing ESA decisions. The Act is premised on a strong state-federal partnership. Section 6(a) of the ESA states that, "In carrying out the program authorized by the Act, the Secretary shall cooperate to the maximum extent practicable with the States." WGA submits that such cooperation should include partnership with states in the establishment of quantifiable species recovery goals, as well as in the design and implementation of recovery plans.

ESA listing decisions can have dramatic impacts on vital state interests, influencing a state's ability to conduct almost any activity – from road siting to new home construction to environmental projects. Consequently, states should have the right to intervene in proceedings regarding the ESA. Western Governors urge the Subcommittee to support the legal standing of states to participate in administrative and judicial actions involving ESA that, by their nature, implicate state authority and resources. This is not a new concept: several federal statutes – including the Clean Water Act, the Clean Air Act and the Resource Conservation and Recovery Act – already vest the states with the role of co-regulator with the EPA.

With respect to funding levels of appropriated programs, WGA recommends the enactment and full funding of a permanent and stable funding mechanism for the Payment in Lieu of Taxes (PILT) program administered by the Department of the Interior (DOI). PILT funding does not represent a gift to local jurisdictions; rather it represents important compensation for the disproportionate acreage of non-taxable federal lands in the West. Similarly, payments under the Secure Rural Schools and Community Self-Determination Act (SRS) are critical to compensating communities whose timber industries have been negatively impacted by actions and acquisitions of the federal government. Western Governors hope that you will consider full funding for both PILT and SRS payments in Fiscal Year 2017.

The Subcommittee knows very well the pressing problem of “fire borrowing,” by which funding for routine Forest Service management activities is transferred to emergency firefighting activities. By diverting funding from management activities that reduce wildfire threats, this practice increases the overall fire risk and all but ensures that future wildfires will be more damaging and costly. WGA strongly supports efforts to solve the issue of fire borrowing, and would like to see the federal government use a funding structure similar to that used by the Federal Emergency Management Agency (FEMA) in its response to natural disasters.

The 2014 Farm Bill accorded Governors the opportunity to request that National Forest System lands within their states be considered for insect and disease (I&D) designation, and the Forest Service responded by designating 46.7 million acres of land for expedited treatment. The Farm Bill authorized the appropriation of \$200 million to accomplish the work required under the statute. This work will reduce the threat of wildfires in areas of high risk, and WGA requests that funding be appropriated at a reasonable and sustainable level for I&D designation projects.

Data for water management and drought response planning is critical to western states. Western Governors request adequate funding levels for the Cooperative Water Program and National Streamflow Information Program, both administered by the DOI’s U.S. Geological Survey. This data is integral to the water supply management decisions of states, utilities, reservoir operators and farmers. They are also used for flood forecasts, making them essential to risk assessment as well as water management. These two programs are important elements of a robust water data management framework in the western states, and provide needed support for drought mitigation efforts throughout the West.

Infrastructure management is another crucial element of drought response. EPA’s Clean Water and Drinking Water State Revolving Funds (SRFs) provide necessary support for communities to maintain and enhance their water infrastructure. The Western Governors’ Policy Resolution 2014-04, *Water Quality in the West*, encourages adequate funding for SRFs.

The following recommendations are intended to help ensure that taxpayers realize a healthy return on the investment of limited discretionary resources. This goal will be more readily achieved to the extent that federal agencies better leverage state authority, resources and expertise.

Western Governors continue to be concerned about the number of wild horses and burros on BLM lands, which is presently estimated to be almost double the current Appropriate Management Level (AML). Overpopulation can degrade rangeland, causing harmful effects on wildlife and domestic livestock and threatened and endangered species habitat. WGA supports a process to establish, monitor and adjust AMLs for wild horses and burros that is transparent to stakeholders, supported by scientific information (including state data), and amenable to adaptation with new information and environmental and social change.

While the EPA and the U.S. Army Corps of Engineers’ proposed rule expanding the definition of “waters of the United States” is currently being resolved in federal court, WGA continues to view the development of this proposal as an example of process failure. Congress

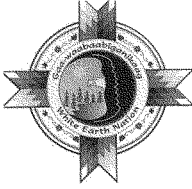
intended for the states and EPA to implement the CWA in partnership and delegated authority to the states to administer the law as co-regulators with EPA. States should be fully consulted and engaged in any process that may affect the management of state waters. While Western Governors appreciate the outreach from EPA and the Corps since the release of the proposed rule, we note that the agencies did not engage the states in substantive consultation prior to the release. Western Governors encourage congressional direction to EPA to engage the states in the creation of rulemaking, guidance or studies that threaten to redefine the roles and jurisdiction of the states.

States have exclusive authority over the allocation and administration of rights to groundwater located within their borders and are primarily responsible for protecting, managing, and otherwise controlling the resource. The regulatory reach of the federal government was not intended to, and should not, be applied to the management and protection of groundwater resources. WGA encourages the Subcommittee not to permit the use of appropriated funds for any activity that would implement a directive on groundwater management or otherwise subvert States' primacy over water management. Federal agencies should work through existing state authorities to address their groundwater-related needs and concerns. Such collaborative efforts will help ensure that federal efforts involving groundwater recognize and respect state primacy and comply with federal and state statutory authorities.

States also have delegated authority from EPA to manage air quality within their borders. Last year the EPA tightened the National Ambient Air Quality Standard (NAAQS) for ozone to .070 parts-per-million, a level equal to background ozone levels in much of the West. Attaining the revised ozone standard will present significant challenges for many western states – challenges exacerbated by factors such as wildfire, transported ozone, and background ozone. For decades eastern states have enjoyed the benefit of financial and technical support from EPA for ozone research and mitigation. Given the attainment challenges presented, and the unique character of the West, funding should be appropriated for EPA to assist western states in discharging their ozone responsibilities.

Western Governors and federal land management agencies deal with a complex web of interrelated natural resource issues. It is an enormous challenge to judiciously balance competing needs in this environment, and Western Governors appreciate the difficulty of the decisions this Subcommittee must make. The foregoing recommendations are offered in a spirit of cooperation and respect, and WGA is prepared to assist you as you discharge these critical and challenging responsibilities.

Again, thank you for the opportunity to provide written testimony. Please feel free to contact WGA if you have any questions about the content of these remarks.



## White Earth Reservation Tribal Council

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Subcommittee on Interior, Environment and Related Agencies  
 Committee on Appropriations  
 U.S. House of Representatives  
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 Washington, D.C. 20515

Hon. Betty McCollom  
 Ranking Member

Subcommittee on Interior, Environment and Related Agencies  
 Committee on Appropriations  
 U.S. House of Representatives B -308  
 Washington, D.C. 20515

The White Earth Tribal Nation strongly supports President Obama's FY17 budget initiatives. The proposed funding increases will provide Indian Country with a catalyst to move our people forward in many positive steps.

We know the Subcommittee is aware of the challenges we face in Indian Country. However, the White Earth Band of Ojibwe faces particularly challenging issues as the largest band of the Ojibwe in Minnesota:

- 38% of Ojibwe live at or below poverty
- 50% of Ojibwe children live in poverty
- 48% of Ojibwe 16-64 are unemployed or not in the labor force
- 20% of Ojibwe households exist with no wage earners at all

Due to these economic barriers, the FY17 budget proposal provides us with funding to positively affect these barriers and to move our members in a positive direction.

The White Earth Tribal Nation recognizes the Committee has asked Tribal Nations to highlight several areas of the President's FY17 budget that would be critically important to them. Although all of the proposed increases are extremely important, the following are the most critical for the White Earth Tribal Nation:

- 1) \$109 million increase for the Department of Justice and Bureau of Indian Affairs public safety and justice programs for Indian Country. The DOJ funding supports additional grants to address criminal justice issues and the BIA funding continues investments to reduce violent crime and reduce repeat incarceration.
- 2) \$204 million increase for social services in Indian Country. \$164 million increase for HHS Administration of Children and Families, \$231 million for Head Start, \$194 million for Tribal TANF, \$55 million for Tribal Child Support, \$212 for Child Care programs, \$106 million for child welfare and other programs. In addition, \$55 million in SAMHSA to reduce the incidence of suicide among Native American youth.

- 3) \$60 million increase for BIE to support Native American languages and culturally enhanced curriculum.
- 4) \$55 million in HHS Substance Abuse and Mental Health Services to support Native American youth.
- 5) The Department of Energy's Office of Indian Energy with \$18 million for financial and technical assistance for renewable energy projects and energy efficiency projects.
- 6) Funding for Tribal Law and Order Act as White Earth was the first Tribal government approved for its implementation. However, through funds administered through CTAS grants, we highly recommend that funds not be administered on a competitive basis but on a formula that meets the needs of Tribal governments. The current system increases financial burdens that are difficult to meet.

These programs are a small segment of the many achievements we see in the President's FY17 budget to assist Indian Country.

As the Committee reviews requests for funds with various programs, we urge each Committee member to reflect on a generation of Native Americans who have suffered from low funding in these programs. By providing solid support, these increases will assist those that continue to suffer from unreasonable disparities.

Thank you for the opportunity to provide written testimony on the FY17 budget. The White Earth Tribal Nation would like each of you, and the Members of your Committee, to visit our Reservation. We would like each of you to witness the progress made in areas that are supported by federal programs.

Secretary-Treasurer,



Testimony of:  
Mr. Reid Haughey, President  
The Wilderness Land Trust

House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related  
Agencies  
March 23, 2016



Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee, my name is Reid Haughey and I am the President of the Wilderness Land Trust. Thank you for the opportunity to submit testimony. My testimony focuses on a very small portion of the Land and Water Conservation Fund (LWCF) – funding for the Inholding Acquisition Accounts for the four land management agencies. Continued modest funding – between \$3 and \$5 million - of the Inholding Accounts is vital to the success of securing and preserving wilderness already designated by Congress, while treating private landowners within these areas fairly.

The Trust is a small not-for-profit organization focused on protecting designated wilderness. To do this, we work in partnership with landowners who own private property within designated and proposed wilderness areas and the agencies that manage these areas. We acquire properties from willing sellers with the intent to transfer ownership to the United States.

We recently marked the 50<sup>th</sup> Anniversary of the Wilderness Act of 1964 that established our National Wilderness Preservation System. As part of our celebration of the 50<sup>th</sup> anniversary, the Trust commissioned a national inventory of private lands within wilderness. The results are startling. The report determined that within the lower 48 states, 175,863 acres of private lands still remain in 2,883 parcels. There are also 440,000 acres of state owned lands. Alaska is home to 47% of the total nonfederal lands – predominantly Native corporation lands stemming from ANCSA – comprising 693,641 acres in 686 parcels.

When the Trust started work 24 years ago, we estimated there were 400,000 acres of private land within designated wilderness in the lower 48 states. It has taken steady work to reduce that by more than half. Large appropriations for the Inholding Accounts did not accomplish this success - just reliable, modest funding so that lands can be purchased when landowners want to sell. This is the level of funding we are hoping to continue.

Thank you for funding the Inholdings Accounts in Fiscal Year 2016 and I ask for that support once again. An appropriation of between \$3 and 5 million to each of the land

**The Wilderness Land Trust**

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Follow our progress from our website  
[www.wildernesslandtrust.org](http://www.wildernesslandtrust.org)

management agencies, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service and the National Park Service, is sufficient to enable the agencies to acquire high priority inholdings from willing sellers.

Our work, along with that of many other organizations and facilitated by funding of the Inholding Accounts, aims to give the Federal government less work. Eliminating private inholdings within designated wilderness:

- Saves Federal dollars
- Solves management and resource problems
- Helps private landowners, and
- Increases recreational access and economic development

### **Saving Federal dollars**

The management of human development activities in wilderness is expensive for the agencies. The potential resource damage to the protected lands and waters is enormous. While steady progress has been made reducing private inholdings in wilderness areas in the lower 48 states, our wilderness areas remain riddled with private inholdings that greatly threaten the wilderness that surrounds them and creates a "Swiss cheese" effect. While The Wilderness Act defines Wilderness as places where "where man himself is a visitor who does not remain," private landowners retain their rights to build roads, homes and other buildings, extend utilities, extract minerals and timber, and block public access. There are numerous cases where such inholdings have been developed in ways that seriously degrade wilderness values on the adjacent public lands. All of these activities pose challenges for Federal managers of the lands surrounding private inholdings and create significant and costly management inefficiencies. By contrast, the cost of acquiring these properties when they are offered for sale is relatively small. That is why continued modest appropriations for the inholding acquisition program are important.

For example, the Trust acquired a property in the Hells Canyon Wilderness in Arizona several years ago that ended 38 years of on and off litigation over access. This saved the agency a lot of ongoing costs. It made the landowner happy and completed the wilderness that surrounded it.

Further, as you are well aware, the costs associated with firefighting on public lands are enormous. The Wilderness Land Trust may be the only landowner within designated wilderness that can say it has experienced both sides of reducing firefighting costs. A property we owned in the heart of California's Yolla Bolly Wilderness burned while we owned it. Significant resources were spent to protect the structures on it, risking life and limb, as well as money.

On the other hand, the Trust's Hells Canyon Wilderness property in Idaho burned one week after it was transferred to Federal ownership. No one cared; no one came out to protect it. It burned as part of the natural process of wilderness and firefighting efforts rightly concentrated at the edges of the wildland-urban interface.

Specific data on firefighting expenses are difficult to get. The Western Forestry Leadership Coalition, a State and Federal government partnership whose members include 23 State and Pacific Island Foresters, 7 Western Regional Foresters, 3 Western Research Station Directors, The Forest Products Lab Director of the USDA Forest Service, published a report: *The True Cost of Wildfire in the Western US* in April 2009. Among the case studies reviewed, the lowest total cost per acre firefighting expense was the Canyon Fire Complex in Montana (2000). The total cost was \$411 per acre. There were only six structures involved. The highest cost per acre was the 2000 Cerro Grande fire in New Mexico. It cost \$22,634 per acre. There were 260 residences involved. This is strong evidence that the presence of private lands and structures within public landscapes exponentially increases the cost of firefighting.

Not all the costs of managing these isolated parcels fall on the Federal Government. As the manager of Pitkin County, Colorado I learned firsthand that the expenses of providing services to these isolated and far-flung properties far exceed the tax revenues received and do not come close to offsetting the cost of providing fire protection, emergency services, road, school buses and general government services. It costs more to serve these isolated single properties than the tax revenue they generate.

#### **Solves management and resource problems**

The Inholding Accounts have been used to acquire mines from private owners, private retreats, and various properties that include the spectrum of non-wilderness uses. We are currently readying for transfer to Federal ownership a former mine in the Frank Church River of No Return Wilderness. We've closed the former un-reclaimed mine on the banks of the Wild and Scenic Salmon River. The transfer will remove a private home and no trespassing signs on one of the few flat spots on that stretch of river. It will be returned to the public, who can enjoy being able to stop and learn about past mining days, camp or fish from land on which the abandoned and open mine is now reclaimed and closed – no longer a threat to the public, or to the Wild and Scenic River from its open shafts deep into the alluvium of the river.

Recent purchases funded from the Inholding Accounts have secured access to the east side of the Ventana Wilderness in California, secured trails through the Wabayuma Peak Wilderness in Arizona and the Glacier Peak Wilderness in Washington and created access to a recently designated wilderness in Idaho. More are on the way.

#### **Helps private landowners**

Landowners who are ready to sell deserve to have their properties purchased. Their isolated properties are primarily the result of 19<sup>th</sup> century Congressional policy when homesteads, mining operations and timber production were encouraged without the balance of conservation. As a result, wilderness areas now dedicated by Congress are pockmarked with islands of private ownership that compromise the wilderness resource, become expensive management issues for the agencies and often befuddle landowners who wish to sell these properties for the benefit of their companies or families.

If the opportunity to acquire these when offered is lost, the management issues and inefficiencies that result from private lands remaining within designated wilderness continue. This is why consistent funding for the Inholding Accounts is vital. It has been our experience that these critical inholdings come on the market at a steady rate as owners make decisions based on their family or business needs. About 3 to 5 percent come on the market every year. If the opportunity to meet the seller's need is missed, it averages another 20 years before the opportunity comes again. Without consistent funding, numerous opportunities to acquire these private parcels will be lost. Not for a year, but often for at least another generation.

#### **Increases recreational access and economic development**

On the east side of the Castle Crag Wilderness in California is a wall of private land that blocks access from Interstate 5. The nearby communities of Dunsmuir and Mt. Shasta are wholly supportive of transferring these lands to Federal ownership and opening up the Crag to visitation. The towns anticipate visitors that will come to the community and its climbing, biking and skiing shops it is hoped will grow to replace the loss of logging jobs. Dunsmuir has been suffering under an unemployment rate of 18% and looks forward to having the recreational asset of the Crag's world class climbing only one mile off Interstate 5 and just outside their community – rather than a 7-mile hike around the private lands that now block access.

Finally, it is also important to recognize that wilderness inholdings come in many shapes, sizes and prices depending on the real estate market in a particular area. A number of projects that fall in the agency project lists are inholdings. Thus, we ask that you give the highest level of support possible for Federal LWCF acquisitions.

In summary, continued consistent funding of the Inholding Accounts is vital. Without such funding, significant opportunities to acquire private parcels within our designated wilderness areas will be lost for at least another generation. We urge your support of continued funding for these accounts and as much support for Federal LWCF acquisitions as possible. Support for these accounts:

- Saves money by eliminating management inefficiencies that frequently exceed the cost of acquisition;
- Helps private landowners within Federally designated wilderness and other conservation areas;
- Allows the agencies to act when opportunities occur to acquire inholdings, often only once a generation; and
- Completes designated wilderness areas, removing threats from incompatible and harmful development within their boundaries.

Thank you for the opportunity to testify. We greatly appreciate your time and consideration and the support of the Subcommittee in securing these appropriations.

**Testimony of the Wildlife Conservation Society  
Submitted to House Appropriations Subcommittee on the Interior, Environment  
and Related Agencies  
March 23, 2016**

Contact: Colin Sheldon, Assistant Director of Federal Affairs, [csheldon@wcs.org](mailto:csheldon@wcs.org), (202) 347-0672 x 24

The Wildlife Conservation Society (WCS) would like to thank Chairman Calvert, Ranking Member McCollum and the members of the Subcommittee for providing this opportunity to provide public testimony on the U.S. Fish and Wildlife Service's (FWS) proposed 4(d) rule on the African elephant and in support of sufficient funding in the FY17 Interior, Environment and Related Agencies (Interior) Appropriations Act to meet the President's request for the Multinational Species Conservation Fund (MSCF), Office of International Affairs (IA), Office of Law Enforcement (OLE) Cooperative Landscape Conservation Program (CLCP) and State & Tribal Wildlife Grants (STWG) accounts at FWS, and the International Forestry program at the U.S. Forest Service (FS-IF).

WCS was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today, WCS manages the largest network of urban wildlife parks in the United States led by our flagship, the Bronx Zoo. Globally, our goal is to conserve the world's largest wild places in 15 priority regions, home to more than 50% of the world's biodiversity. We manage more than 200 million acres of protected lands around the world, employing 4,000 staff including 170 PhD and DVM scientists.

The American conservation tradition is based on promoting sustainable use of our natural resources in order to preserve the world's species and environment for future generations. In recognition of the current fiscal constraints, it is important to note that effective natural resources management and conservation has indirect economic benefits, including contributing to local economies through tourism and other means. Internationally, by supporting conservation, the U.S. is increasing capacity and governance in developing nations and improving our own national security as a result.

**No Harmful Rider on Ivory:**

On July 29, 2015, the FWS issued a proposed rule to close loopholes in the existing ban on commercial ivory sales that have allowed illegal ivory to be sold in the U.S. for decades. The proposed rule would require sellers to demonstrate that ivory items qualify for an exemption from the law so consumers may be assured they are purchasing a legal product. It also tightens the existing, Congressionally-mandated ban on the import and export of most ivory, with some narrow exceptions, including ones for sport-hunted trophies and musicians travelling with instruments that contain ivory. The proposal continues to allow the domestic sale of items such as bona fide antiques and, to accommodate the concerns voiced by many stakeholders, also allows the sale of items like firearms, knives, instruments and artworks that contain only a small amount of ivory. It is also important to note that nothing in the proposed rule would make the possession of ivory illegal, and that states maintain the right to regulate commercial sales occurring entirely within their borders.

Last year's Interior bill in the House contained a provision that would have blocked FWS from proceeding on this rule, forcing the continuation of a system that we know does not work and has

been a contributing factor in the poaching of 100,000 elephants over the past three years. Given the broad accommodation of most stakeholders that FWS has provided in its proposed rule, WCS encourages the Subcommittee not to include the same or a similar rider in the FY17 bill.

On the ground in Africa and elsewhere, WCS scientists are seeing, first-hand, the devastating impact poaching is having on elephants, rhinos, tigers and other iconic species. A study published by WCS found that in 2012 alone, 35,000 African elephants were killed for their ivory—that is an average of 96 elephants per day or one killed every 15 minutes. This finding is supported by a subsequent study which also found that 100,000 elephants were poached between 2011 and 2013. Both studies show that conditions are dire for African forest elephants, which has declined by about two-thirds in a little more than a decade. Continued poaching at these rates may mean the extinction of forest elephants in the wild within the next ten years and the potential loss of all African elephant species in the wild in our lifetimes. Action must be taken now to prevent this catastrophe from occurring.

There is broad consensus that the stunning increase in poaching is due to one factor—the illegal sale of poached ivory in commercial markets around the world. The illegal trade in elephant ivory and other products, like rhino horns and tiger skins, is worth at least an estimated \$8 to \$10 billion annually, and because of the lucrative nature of this industry, evidence is showing increasingly that transnational criminal organizations and terrorist groups that are involved in other major trafficking operations—drugs, humans and weapons—are engaged in wildlife trafficking as well.

There is no question that China is the largest market for illegal ivory. However, the United States is also one of the larger destinations, both for domestic consumption and as a transshipment hub for Asia. As part of Operation Crash, FWS and Department of Justice have successfully arrested criminals and prosecuted cases in several states over the last few years involving millions of dollars illegal ivory and rhino horn. These busts, although few in number, are strong evidence that there is a domestic problem with illegal ivory, all of which is smuggled in from overseas and which frequently crosses state lines, placing it firmly under Federal jurisdiction.

The problem with ivory is that you cannot differentiate legal ivory antiques, which are exempt from the underlying Federal laws and regulation, from illegal ivory without costly lab tests that can damage the piece. Accordingly, once raw or worked ivory from recently poached elephants is smuggled into the United States, it can easily be placed in the marketplace right alongside genuine antiques. A survey conducted in 2008 of 24,000 pieces of ivory being sold in antique stores in 16 cities in the U.S. and Canada concluded exactly this point, finding that almost a third of these items were potentially illegal. However, due to an unusual quirk in federal regulations, Federal law enforcement agents must prove a piece is not exempt from the law in order to determine it is illegal—an impossible task for the FWS and its small team of special agents and wildlife inspectors tasked with enforcing all U.S. wildlife laws. Essentially, the cost of enforcement was simply prohibitive. The proposed rule is essential to closing these loopholes and protecting U.S. consumers from unwittingly purchasing products with ivory from poached elephants.

**FWS—Multinational Species Conservation Fund--\$11.1 Million:** Iconic species such as tigers, rhinos, African and Asian elephants, great apes and marine turtles, face constant danger

from poaching, habitat loss and other serious concerns. MSCF programs have helped sustain wildlife populations by controlling poaching, reducing human-wildlife conflict and protecting essential habitat—all while promoting U.S. economic and security interests in far reaching parts of the world. These programs are highly efficient, granting them an outsized impact because they consistently leverage two to four times the federal investment in matching funds.

WCS has had great success on projects using funds from the MSCF. One grant just awarded to WCS in FY15 through the African Elephant Conservation Fund will provide initial funding to use innovative ivory anti-trafficking methods to protect elephants of South Sudan. Among the key parts of the project are the deployment of a sniffer dog team to detect ivory, firearms and other wildlife products at key transit points and the establishment of a national ivory management system for seized ivory to better ensure that confiscated ivory does not reenter the marketplace.

WCS is grateful that the Committee appropriated \$11.1 million for the program in FY16—its first increase in several years—and supports an appropriation of the same amount in FY17, which would also be equal to the President's FY17 request.

**FWS—International Affairs—\$15.8 Million:** The FWS International Affairs (IA) program supports efforts to conserve our planet's rich wildlife diversity by protecting habitat and species, combating illegal wildlife trade, and building capacity for landscape-level wildlife conservation. The program provides oversight of domestic laws and international treaties that promote the long-term conservation of plant and animal species by ensuring that international trade and other activities do not threaten their survival in the wild. Within IA, the Wildlife Without Borders program seeks to address grassroots wildlife conservation problems from a broad, landscape perspective, building regional expertise and capacity while strengthening local institutions. WCS supports appropriations for this program at \$15.8 million, the level included in the President's FY17 request.

**FWS—Office of Law Enforcement—\$75.1 Million:** The U.S. remains one of the world's largest markets for wildlife and wildlife products, both legal and illegal. A small group of dedicated officers at the OLE are tasked with protecting fish, wildlife, and plant resources by investigating wildlife crimes—including commercial exploitation, habitat destruction, and industrial hazards—and monitoring the nation's wildlife trade to intercept smuggling and facilitate legal commerce. Many of the new responsibilities placed on FWS by the National Strategy are enforced by the OLE, and WCS supports the President's request for \$75.1 million. Additional funding for the program will support FWS efforts to maximize the scope and effectiveness of FWS' response to the international wildlife trafficking crisis by strengthening forensic capabilities and expanding the capacity of their Special Investigations Unit. It will also ensure OLE has an adequate number of law enforcement agents deployed to enforce laws against wildlife trafficking in the U.S. effectively and allow the agency to continue to support coordinated law enforcement actions against wildlife trafficking overseas through the deployment of FWS attachés in targeted U.S. embassies.

**FWS—Cooperative Landscape Conservation—\$17.8 Million:** Many of the domestic conservation programs in this bill provide funding to states to implement their conservation goals. However, wildlife does not recognize political boundaries, and scarce conservation dollars can best be spent when effective planning and coordination takes place across entire ecosystems.

The CLCP funds a network of 22 Landscape Conservation Cooperatives in the U.S. and Canada, which use a collaborative approach between Federal, State, tribal and local partners to identify landscape scale conservation solutions and work collaboratively to meet unfilled conservation needs, develop decision support tools, share data and knowledge, and facilitate and foster conservation partnerships. Funding will support landscape planning and design that will improve the condition of wildlife habitat and improve resilience of U.S. communities. WCS encourages the Committee to meet the President's request for \$17.8 million for this program.

**FWS—State and Tribal Wildlife Grants Program—\$67 Million:** The State and Tribal Wildlife Grants program gives states and Tribes funding to develop and implement comprehensive conservation plans to protect declining wildlife and habitats before protection under the Endangered Species Act is necessary. This important program is supported by more than 6,200 organizations that have formed a national bipartisan coalition called Teaming with Wildlife, of which WCS is a steering committee member. WCS recommends Congress provide strong and continued support for the program by meeting the President's request for \$67 million in the FY17 Interior bill.

**USFS—International Forestry—\$8 Million:** The U.S. economy has lost approximately \$1 billion per year and over 200,000 jobs due to illegal logging, which is responsible for 15-30% of all timber by volume. The FS-IF program works to level the playing field by reducing illegal logging and improving the sustainability and legality of timber management overseas, translating to less underpriced timber undercutting U.S. producers. Through partnerships with USAID and the Department of State, FSIP helps to improve the resource management in countries of strategic importance to U.S. security.

With technical and financial support from FS-IF, WCS has been working to conserve a biologically rich temperate forest zone called the Primorye in the Russian Far East. The region hosts over a hundred endangered species as well as numerous threatened species, including the Far Eastern leopard and Amur tiger. FS-IF works with us to exchange information and methodologies with Russian scientists, managers, and students on a variety of wildlife-related topics to support conservation and capacity building efforts and ensure the sustainable management of forests and wildlife habitat. WCS supports meeting the President's request of \$8 million for FY17, equal to the amount appropriated in FY16.

We appreciate the opportunity to share WCS's perspectives and make a case for increased investment in conservation in the FY17 Interior, the Environment and Related Agencies Appropriations Act. Conservation of public lands is an American tradition and, as far back as 1909, Theodore Roosevelt recognized that the management of our natural resources requires coordination between all nations. Continued investment in conservation will reaffirm our global position as a conservation leader, while improving our national security and building capacity and good governance in developing countries.

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